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THE

PUBLIC RECORDS

OF THE

COLONY OF CONNECTICUT,

FROM MAY, 1726, TO MAY, 1735, INCLUSIVE.

TRANSCRIBED AND EDITED, IN ACCORDANCE WITH A RESOLUTION OF THE

GENERAL ASSEMBLY.

BY CHARLES J. HOADLY,

LIBRARIAN OF THE STATE LIBRARY.

HARTFORD:
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1873.

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PREFACE.

THIS volume contains the remainder of Volume V of the manuscript *Records of the Colony of Connecticut*, from page 515, covering the period from May, 1726, to the end of May session, 1730; the first 223 pages of Volume VI, continuing the records to the end of May session, 1735; and the Journal of the Governor and Council, from May, 1726, to February, 1727–8, taken from the manuscript referred to in the prefaces to the fifth and sixth printed volumes of this series.

In the Appendix is given the judgment of the English Privy Council in the case of Winthrop's appeal, by which the colonial law regulating the descent and distribution of intestate estates was declared void; and which law, notwithstanding great exertions and no little expenditure of money, was not re-established for nearly eighteen years.

There will also be found appended, Queries from the Board of Trade, with the Answers thereto, which give some account of the condition of the Colony in 1730.

Several leaves toward the latter part of Volume V of the MS. Records are badly frayed, as well as out of their proper order. In this publication the missing words have been supplied from the original bills, or from the Journals of one or the other House.

The Council Journal from 1728 to 1770 is not now among our archives, and the editor is unaware of its existence.

From the accession of King George II. to the end of May session, 1738, the acts, as annually published in pamphlet form, were numbered consecutively, the highest number being CLXXVI: but the enumeration does not appear on the record, nor were the laws published in the order in which they were passed or recorded.

For the loan of the bill of the New London Society, from which the *fac-simile* facing page 421 was made, I am indebted to the kindness of Mr. J. H. Trumbull. C. J. H.

State Library, Hartford, July 17th, 1873.

THE PUBLIC RECORDS

OF THE

COLONY OF CONNECTICUT.

[VOL. V., PAGE 515.]

CONNECTICUTT COLONY.

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTIES COLONY OF CONNECTICUTT, IN NEW ENGLAND, ON THE 12TH DAY OF MAY, IN THE TWELFTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM. 1726.

Present at this Assembly:

The Honourable Joseph Talcott, Esq^{r}, Governour.
The Honourable Jonathan Law, Esq^{r}, Deputy Governour.

John Hamlin,		Christopher Christophers,	
Samuel Eells,		Hez: Brainerd,	
Mathew Allyn,		John Hooker,	
Roger Wolcott,	Esq^{rs}	Joseph Wakeman,	Esq^{rs}.
James Wadsworth,		Nathaniel Stanly,	
John Hall,		Joseph Whiting,	

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz:

Capt. Ozias Pitkin, Capt. Thomas Seymor, for Hartford.
Capt James Rogers, Mr. Solomon Coitt, for New London.
Mr. Peter Buell, Mr. Thomas Porter, for Coventry.

Mr. James Avery, Capt. Jonath. Starr, for Groton.
Mr. Joseph Case, Mr. Joseph Phelps, for Symsbury.
Capt. Jonath. Hoitt, Mr. Jonath. Bates, for Stamford.
Mr. Joseph Levins, Mr. Eleaz. Bateman, for Killingley.
Capt. Stephen Noble, Mr. John Bostick, for New Milford.
Mr. John Dyer, Mr. Sam[ll] Butt, for Canterbury.
Capt. John Sabin, Mr. Benja. Sabin, for Pomfrett.
Mr Tho. Fitch jun[r], Mr. James Lockwood, for Norwalk.
Capt. John Munson, Capt. Isa. Dickerman, for New Haven.
Major John Burr, Mr. Eben[z] Wakeman, for Fairfield.
Capt. Tim[o] Peirce, Mr. Dan[ll] Lawrence, for Plainfield.
Mr. John Hopkins, Mr. Thomas Hecox, for Waterbury.
Mr. Israhiah Wetmore, Mr. John Sage, for Midletown.
Mr. Richard Abbey, Mr. Jabez Huntington, for Windham.
Mr. John Gregory, Capt. James Beebe, for Danbury.
Mr. Michael Taintor, Mr. John Skinner, for Colchester.
Mr. Sam[ll] Lynde, Mr. Steph. Whittlesey, for Seybrook.
Capt. Dan Brewster, Mr. John Brown, for Preston.
Capt. Joseph Minor, Mr. Adino Strong, for Woodbury.
[516] Mr. John Lyon, Mr. Gershom Lockwood, for Greenwich.
Mr. Joseph Backus, Mr. Jabez Hide, for Norwich.
Mr. Edmund Lewiss, Mr. Dan[ll] Hawley, for Stratford.
Mr. Sam[ll] Mather, Mr. Tho. Stoughton, for Windsor.
Mr. David Buell, Mr. Joseph Wilcox, for Killingsworth.
Mr. Edward Barker, Capt. John Russell, for Branford.
Capt. Janna Meiggs, Capt. Andrew Ward, for Guilford.
Col[o] David Goodrich, Mr. John Curtice, for Wethersfield
Capt. Wm. Wadsworth, Mr. John Hart, for Farmington.
Capt. John Riggs, for Derby.
Capt. Roger Newton, Mr. John Fowler, for Milford.
Capt. Thomas Storrs, Mr. Josiah Conant, for Mansfield.
Mr. James Minor, Mr. Wm. Gallop, for Stonington.
Mr. John Woodward, Mr. Joseph Fowler, for Lebanon.
Mr. Thomas Lee, Mr. Rich[d] Ely, for Lyme.
Capt. Dan[ll] Brainerd, for East Haddam.
Capt. James Brainerd, for West Haddam.
Mr. Tho. Kimberly, Mr. David Hubbard, for Glassenbury.
Capt. Henry Crane, Mr. Tho. Lyman, for Durham.
Mr. Nath[ll] Phelps, Mr. Hez: Gaylor, for Hebron.
Capt. Theophilus Yale, for Wallingsford,
Capt. James Rogers, Speaker, } of the House of Repre-
Mr. Thomas Kimberly, Clerk, } sentatives.*

* In the House of Representatives at this session the following resolution was passed: Resolved by this House, That if any of the members thereof shall presume to smoak tobacco in the chamber wherein they now commonly sit, at any time whatsoever, shall pay a fine of 6*d.* for each offence, to be to the use of the House.—*Journal, Lower House, May* 23*d.*

This day being appointed by charter and the laws of this Colony for the election of the publick officers of this corporation, viz: the Governour, Deputy Governour, Assistants, Treasurer, and Secretary,—proclamation being made, the freemen proceeded to give in their votes to persons chosen by the Governour, Council and Representatives, to receive, sort and count them.

The persons so chosen and appointed are, Roger Wolcott, Esq., James Wadsworth, Esq., John Hall, Esq., C. Christophers, Esq., Nathan[ll] Stanly, Esq., Joseph Whiting, Esq, Capt. Thomas Seymor, Mr. Thomas Kimberly, Mr. Eben[z] Wakeman, Mr. Thomas Fitch, Capt. Roger Newton, Capt. John Russell, Mr. Sam[ll] Lynde, Mr. Solomon Coitt, who were all sworn truly and faithfully to receive, sort and count the votes. And the votes of the freemen being brought in, sorted and counted,

The Hon[ble] Joseph Talcott, Esq., was chosen Governour of this Colony for the year ensuing, and had the Governour's oath and the oaths required by acts of Parliament, relating to trade and navigation, administred to him in the presence of this Assembly.

The Hon[ble] Jonathan Law, Esq., was chosen Deputy Governour of this Colony for the year ensuing, and the Deputy Governour's oath was administred to him in the presence of this Assembly.

John Hamlin, Esq., Samuel Eells, Esq., Mathew Allyn, Esq., Roger Wolcott, Esq., James Wadsworth, Esq., John Hall, Esq., C. Christophers, Esq., Hez. Brainerd, Esq., John Hooker, Esq., Joseph Wakeman, Esq., Nathaniel Stanly, Esq., and Joseph Whiting, Esq., were chosen Assistants of this Colony for the year ensuing. And John Hamlin, Sam[ll] Eells, Mathew Allyn, Roger Wolcott, James Wadsworth, John Hall, C. Christophers, Nathan[ll] Stanly, Joseph Whiting, Esq[rs], had the Assistant's oath administred to them in the presence of this Assembly.

[517] Mr. John Whiting was chosen Treasurer of this Colony for the year ensuing.

Hez. Wyllys was chosen Secretary of this Colony for the year ensuing, and accordingly sworn to that office and trust in presence of this Assembly.

Ordered by this Assembly, That Hez. Brainerd, Esq., and Capt. James Brainerd, return the thanks of this Assembly to the Reverend Mr. Phineas Fisk, of Haddam, for his sermon preacht before this Assembly on the 12th of May instant, and desire he give a copy thereof that it may be printed.

This Assembly do establish and confirm Mr. Mathew Greg-

ory, of Norwalk, to be Ensign of the north company or trainband in the town of Norwalk, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Enno, of Symsbury, to be Lieutenant of the south company or trainband in the town of Symsbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Hempstead, of New London, to be Captain of the second company or trainband in the town of New London aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Edward Hallam to be Lieutenant of the second company or trainband in the town of New London aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. George Richards, of New London, to be Ensign of the second company or trainband in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Trowbridge, of New Haven, to be Lieutenant of the second company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Theophilus Munson, of New Haven, to be Ensign of the second company or trainband in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan[ll] Fitch, of Lebanon, to be Captain of the south company or trainband in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezar Brown, of Lebanon, to be Lieutenant of the south company or trainband in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Buell, of Lebanon, to be Ensign of the south company or trainband in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Woodward, of Lebanon, to be Captain of the north company or trainband of the south society in Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Webster, of Lebanon, to be Lieutenant of the north company or trainband of the south society in the town of Lebanon, and order that he be commissioned accordingly.

[518] This Assembly do establish and confirm Mr. Jonathan Rose, of Branford, to be Captain of the company or trainband of the north society in the town of Branford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Barker, of Branford, to be Lieutenant of the company or trainband of the north society in the town of Branford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Rogers, of Branford, to be Ensign of the company or trainband of the north society in the town of Branford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Stent, of Branford, to be Lieutenant of the first company or trainband in the town of Branford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Harrisson, jun^{r}, of Branford, to be Ensign of the first company or trainband in the town of Branford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Richardson, of Stonington, to be Ensign of the first company or trainband in the town of Stonington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Allyn, of New Haven, to be Lieutenant of the first company or trainband in the town of New Haven aforesaid, and order that he be commissioned accordingly.

This Assembly do appoint Christopher Christophers, Esq., John Hooker, Esq., Major John Burr, Mr. Samuel Lynde, Capt. Roger Newton, and Mr. Wm. Wadsworth, to audit the Colonies accounts with the Treasurer.

This Assembly do appoint the Hon^{ble} Jonathan Law, Esq, to be Chief Judge of the Superiour Court for the year insuing.

This Assembly do appoint Samuel Eells, Esq., Mathew Allyn, Esq., James Wadsworth, Esq., and John Hooker, Esq., to be Assistant Judges of the Superiour Court for the year ensuing.

This Assembly do appoint the Hon^{ble} Joseph Talcott, Esq., to be Judge of the Court of Probate in the county of Hartford.

This Assembly do appoint Roger Wolcott, Esq., to be Judge of the County Court, in the county of Hartford.

This Assembly do appoint Capt. Samuel Mather, Col. David Goodrich, Capt. Wm. Wadsworth, Capt. Ozias Pitkin, Capt. Joshua Robbins, Mr. Michael Taintor, Capt. Thomas Judd, Capt. Thomas Gates, Capt. James Wells, Capt. Thomas Ward, Mr. Thomas Kimberly, Capt. John Marsh, Capt. Hez. Wyllys, Mr. John Hopkins, Mr. Joseph Phelps, and Mr. Izrahiah Wetmore, to be Justices of the Peace in Hartford county.

This Assembly do appoint Capt. Samuel Mather, Col. David Goodrich, Capt. William Wadsworth, and Capt. Ozias Pitkin, to be of the Quorum in the county of Hartford.

This Assembly do appoint John Hall, Esq., Judge of the County Court in the county of New Haven.

This Assembly do appoint Mr. Warham Mather to be Judge of the Court of Probate in the county of New Haven.

[519] This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate in the district of Guilford.

This Assembly do appoint Mr. Warham Mather, Mr. James Hooker, Mr. Samuel Bishop, Capt. Andrew Ward, Capt. John Riggs, Capt. Nathan[ll] Harrisson, Mr. Edward Barker, Capt. Janna Meiggs, Mr. Sam[ll] Brunson, Capt. Theophilus Yale, Capt. Roger Newton, and Capt. Samuel Gunn, to be Justices of the Peace in the county of New Haven.

This Assembly do appoint Mr. Warham Mather, Mr. James Hooker, Mr. Samuel Bishop, Capt. Andrew Ward and Capt. John Riggs, to be of the Quorum in the county of New Haven.

This Assembly do appoint Christopher Christophers, Esq., to be Judge of the County Court in the county of New London.

This Assembly do appoint Christopher Christophers, Esq., to be Judge of the Court of Probate in the county of New London.

This Assembly do appoint Capt. Richard Bushnell, Mr. John Plumb, Mr. Jonathan Prentts, Capt. James Rogers, Mr. Samuel Lynde, Mr. Joseph Backus, Mr. John Brown, Mr. Dan[ll] Palmer, Capt. Daniel Brewster, Mr. Moses Noyes, Mr. Abram Pierson, Mr. James Minor, Mr. James Morgan, Mr. James Avery, Mr. Thomas Lee, and Mr. Stephen Whittlesey, to be Justices of the Peace in the county of New London.

This Assembly do appoint Capt. Richard Bushnell, Mr. Jonathan Prentts, Mr. John Plumb, Mr. Samuel Linde, Capt. James Rogers, and Mr. Joseph Backus, to be of the Quorum in the county of New London.

This Assembly do appoint Joseph Wakeman, Esq., to be Judge of the Probate Court in the county of Fairfield.

This Assembly do appoint John Sherman, Esq., to be Judge of the Court of Probate in the district of Woodbury.

This Assembly do appoint Major Jn° Burr to be Judge of the County Court in the county of Fairfield.

This Assembly do appoint Joseph Curtice, Esq., Major John Burr, Mr. Joseph Bishop, Mr. Edmund Lewiss, Mr. Joseph Minor, Capt. Moses Dymond, Mr. Eben^{z} Mead, Mr. Samuel Peck, Capt. John Hawley, Mr. John Gregory, Capt. Samuel Couch, Mr. Richard Osborn, Mr. Thomas Bennett, Mr. Eben^{z} Wakeman, Capt. William Preston, Mr. John Copp, Mr. Jonathan Hoyt, and Mr. Gershom Lockwood, to be Justices of the Peace in the county of Fairfield.

This Assembly do appoint Joseph Curtice, Esq., Mr. Joseph Bishop, Mr. Edmund Lewiss, Mr. Joseph Minor, and Capt. Moses Dyamond, to be of the Quorum in the county of Fairfield.

An Act appointing a Form of Oath for such as shall be appointed to Audit the Colonies Accounts with the Treasurer.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all such persons as now, or shall hereafter be appointed to audit the Colonies accounts with the Treasurer shall, before their entering upon that service, take the following oath:

You A. B. C. D. being by this Assembly appointed to audit the publick accounts with the Colony Treasurer, and likewise to receive of said Treasurer what money hath been brought into the said treasury by rates, fines, impost, or otherways, and the same to dispose of as this Assembly shall order, do [520] swear by the name of || the ever-living God, that you will in the whole of said affair diligently and faithfully attend said service, and that you will duly and faithfully dispose of what money you shall receive as abovesaid of the Treasurer, according to the order of this Assembly now given or to be given you, rendering a true account (to this Assembly) of your doings relating to the premises: So help you God.

This Assembly do establish and confirm Mr. Gershom Buckley to be Captain of the Troop in the county of Fairfield.

This Assembly do establish and confirm Mr. Moses Ward to be Cornet of the Troop in the county of Fairfield.

This Assembly do establish and confirm Mr. Thaddeus Burr to be Quarter Master of the Troop in the county of Fairfield.

This Assembly do establish and confirm Mr. Thomas Hill

of Fairfield to be Captain of the company or trainband of the north parish in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Moses Dyamond, junr., of Fairfield to be Lieutenant of the company or trainband of the north society in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Wakeman of Fairfield to be Ensign of the company or trainband of the north parish in the town of Fairfield aforesaid, and order he be commissioned accordingly.

An Act for Reviving and further Continuing the Law entituled An Act directing Proceedings against Forceable Entry and Detainer.

Whereas an act concerning forceable entry and detainer was made by the General Court or Assembly of this Colony begun and held at New Haven the 11th day of October *Anno Dom.* 1722, with this proviso, that it should continue in force only for two years,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforesaid act shall be revived, and it is hereby revived, and shall remain in full force in all the parts and paragraphs thereof, until this Court shall order otherwise.

An Act in Addition to the Law for the Tryals of Persons for Prophane Swearing, Cursing, Drunkenness, and Sabbath-breaking.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when any assistant or justice of the peace shall have plain view or personal knowledge of any persons being guilty of prophane swearing and cursing, drunkenness and sabbath breaking, it shall be good and sufficient evidence in the law for said assistant or justice to make up judgment against any person or persons offending by any of the crimes or misdemeanours abovementioned; any law, custom or practice to the contrary notwithstanding.

A Question being propounded to this Assembly, whether the grand jurors of each town in this Colony are obliged to make presentment of the misdemeanours or breaches of law (that come to their knowledge) altho' said misdemeanours or breaches of law were committed before the said grand juror or grand jurors were chosen and sworn to said office, provided it be within the limitation of the laws already established: Resolved by this Assembly in the affirmative.

[521] An Act for the more just and equal Assessing and Setting in the Lists Ships and other Vessels.

Whereas the listers in the several towns in this government are by law obliged to set in the common list all ships and other vessels, off the stocks and fit for sailing, but no rule stated to regulate them in that affair; by reason of which uncertainty, the listers in some towns set them at above four times the value by the tun as the listers in other towns do: For remedy whereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future all vessels shall be set in the list at fifteen shillings per tun, according to the true and just burthen of them.

This Assembly do establish and confirm Mr. Jonathan Elseworth of Windsor to be Lieutenant of the second company or trainband in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Thrall of Windsor to be ensign of the second company or trainband in the town of Windsor aforesaid, and order that he be commissioned accordingly.

Upon the petition of the inhabitants of Kent, Beldin's Hill, Chesnut Hill, and so upwards, within the township of Norwalk, praying to be a village by themselves enjoying parish privileges, and that they may be called by the name of Wilton Parish: This Assembly do hereby grant the said inhabitants to be one village enjoying parish privileges, and that they be called by the name of Wilton Parish, and that their bounds be as follows, viz: the line to begin where the country road crosses the brook called the Captains Brook, and to run easterly straight to Chesnut Hill to a certain highway at the upper end of John Gregorys land at or upon said hill, said highway to be the line until it come to John Stewards land, and then to run southerly between said Stewarts and said Gregorys land until it come to the said Stewarts southwest bounds of said land, and then to run easterly taking in said Stewarts land to the village, then to run northerly between said Stewarts and Hayes land and Joseph St. Johns land, then to run at the north end of said St. Johns land easterly to the perambulation line; then beginning again at said Captains Brook at the road and run westerly to the east branch of Norwalk river, and to begin to run westerly from said branch upon the line between Thomas Bets and Lamberts meadow land, then westerly to Nathaniel Ketchams land taking into the village all

said Ketchams land, and so westerly taking in to the village John St. Johns land joyning to his house lot, the line to run from the southwest bounds of said St. Johns land unto the northeast bounds of Capt. Platts land, then run between said Platts land and John Keelars land, then continuing said course, leaving said Platts land to the town, and then to run northerly between Richard Boutens land and John Betts, and so continuing between said Betts land and David Keelars land, and then west to the west branch of Norwalk River, then the said branch to be the line up to a certain pine tree near the said branch on the east side, then to run a straight line up to the long swamp on the east side of Cheese Spring Ridge, the brook in the swamp to be the line, and from the north end of said swamp the line to run the same point as the dividing line between Norwalk and Stamford to the head of the town bounds; these to be the south and west bounds of said parish; and the north and east bounds of said parish to be the north and east bounds of the town, from the south bounds of said parish and upwards.

An Act in Addition to an Act passed by this Assembly in October 1724, relating to Goats.

Whereas sundry towns in this Colony have liberty to suffer their goats to go at large, as by said act appeareth,

It is hereby enacted by this Assembly, That for the future it shall and may be lawful for the inhabitants of either of the said towns, by their major vote in any of their town meetings, to restrain the said goats; anything in said act to the contrary notwithstanding.

[522] This Assembly do establish and confirm Mr. Henry Allyn of Windsor to be Lieutenant of the first company or trainband in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Steel of Hartford to be Captain of the west company or trainband in the town of Hartford aforesaid, and order that he be commissioned accordingly.

Upon the petition of the east society in Lyme: This Assembly doth hereby annex all the inhabitants and rateable estate that lyes in New London bounds on the west side of Nihantick River, so far northward as the country road and bounded with the great brook, to pay all their ministerial dues to said society, in equal proportion with the other inhabitants.

An Act concerning Barberry Bushes.

Whereas the abounding of barberry bushes is thought to be very hurtful, it being by plentiful experience found that, where

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they are in large quantities, they do occasion, or at least increase, the blast on all sorts of English grain,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the several towns within this Colony may, and they are hereby fully impowred, at their annual town meetings, to determine and agree upon the utter destroying of the said bushes within their respective townships, and the time when and manner how. And if any of the inhabitants of such town or towns so agreeing shall oppose the cutting down said bushes within their fields and enclosures, and forbid the other inhabitants coming thereinto for that end, they shall incur the penalty of twenty shillings, to be paid into the treasury of the town wherein they dwell. And if any such person shall thenceforward continue to oppose the cutting said bushes as aforesaid, they shall also incur the penalty of ten shillings per month until they shall declare to the selectmen their free consent for their entering into such inclosures and destroying the said bushes therein growing. Said penalties to be recovered by distraint on the goods and chattels of the person or persons so offending.

Provided nevertheless, That if any person or persons have any of said bushes, the which they make use of or depend upon for a fence, such person or persons shall not incur either of the aforesaid penalties till after just satisfaction to them made by the town, as they and the selectmen can agree, or as by two or three indifferent men, chosen by said parties or appointed by the civil authority, shall judge reasonable.

An Act for the setting off and establishing a New County in the northeasterly Part of this Government, declaring and settling the Boundaries and Limits thereof, granting the Privileges thereof, and giving a Name thereto.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the west bounds of the town of Lebanon, the north bounds of Coventry, the north bounds of Mansfield till it meet with the southwest bounds of Ashford, the west bounds of Ashford, the east bounds of Stafford, the Massachusetts line on the north, and Rhode Island line on the east, the north bounds of Preston, and north bounds of Norwich, containing the towns of Windham, Lebanon, Plainfield, Canterbury, Mansfield, Coventry, Pomfrett, Killingly, Ashford, Voluntown and Mortlake, shall be one entire county, and called by the name of the County of Windham.

[523] *And it is further enacted by the authority aforesaid*, That the said town of Windham shall be and remain the

county or head town of the said county; and that there shall be there held annually two county courts, one on the fourth Tuesday in June, and one on the second Tuesday in December, in each year; and two superiour courts for the tryal of all causes both civil and criminal, as, and endowed with the same powers and authorities wherewithal the courts in the other counties in this Colony are by law impowred. The superiour courts shall be held on the third Tuesday in March and the third Tuesday in September annually.

And further it is enacted, That the district of Windham, heretofore appointed and limited for the probate of wills and testaments, &c., shall be extended to and limited by the bounds of the county of Windham; and all cases therein now depending, or in any of the neighbouring districts. shall be determined in the probates where they are already brought; and all appeals which shall be granted shall be to the superiour courts in the counties as they are now stated.

And it is further enacted, That all officers civil and military, proper to a county, and allowed and improved in other counties, shall be allowed, appointed and established, for the county aforesaid.

And it is further enacted by the authority aforesaid, That the sheriffs of the counties of Hartford and New London shall have power to serve all such executions as are in their hands, or may hereafter be directed to them, upon such judgments as are already recovered against any person or persons that live in any of the towns which of late were within their respective precincts, and are by this act within the circuits* of the county of Windham, as fully to all intents and purposes as thô this act had not been made.

And it is further enacted, That all actions, causes and matters whatsoever, now depending in the county court in Hartford and New London, by appeal, review, continuance, or any other way whatsoever, shall be issued and determined in the said county of Hartford and New London respectively, either in the said county courts, or as the case may require (in due course of law) by appeal, in the superiour court, to all intents as thô this act had not been had or made.

This Assembly do appoint Mr. Timothy Peirce to be Judge of the County Court in the county of Windham.

This Assembly do appoint Mr. Timothy Peirce to be Judge of the Court of Probate in the county of Windham.

This Assembly do appoint Mr. Timothy Pierce, Mr. Joshua

* Instead of *circuits*, the word is *limits* in the printed act and in the original bill, *Civil Officers, &c.*, II. 37.

Ripley, Capt. Thomas Huntington, Capt. Joseph Addams, Mr. John Woodward, Mr. Ebenezar West, Mr. Joseph Strong, Capt. John Sabin, and Mr. Joseph Levins, to be Justices of the Peace in the county of Windham.

This Assembly do appoint Mr. Joshua Ripley, Capt. Thomas Huntington, Capt. Joseph Addams, and Mr. Ebenezar West, to be of the Quorum in the county of Windham.

This Assembly do establish and confirm Mr. Richard Douglass of New London, to be Lieutenant of the first company or trainband in the town of New London aforesaid, and order that he be commissioned accordingly.

Upon consideration of the petition of William Barber of Killingsworth, shewing to this Assembly that sometime in the year 1724, he, the petitioner, purchased of Samuel Denisson, then living at Seybrook, fifteen acres of land, more or less, in Oyster River Quarter in Seybrook aforesaid, arising on a fifty pound right, according to the order and agreement of the proprietors of said quarter with respect to a division, then last agreed upon by said proprietors, to be taken up by and laid out to said Barber, his heirs or assigns, by a committee for laying out of land that then were or should be appointed for that end, [524] according || to the rules and methods of that said quarter; and that the petitioners, as a valuable consideration therefor, was to pay and did pay, to the said Denisson, the sum of four pounds money; that the said Denisson, in order to make sure the said fifteen acres of land accordingly to the petitioner, did go to a scrivener to draw a deed thereof, who drew the same: but before the execution thereof in due form, the said Samuel Denisson departed this life, whereby the petitioner being without remedy unless relieved by this Assembly: This Assembly do now therefore authorize and fully impower Mary Denisson of said Seybrook, widow, relict of said deceased, to make, seal and deliver to the petitioner a good and ample deed of the same land purchased as aforesaid; to have and to hold the same unto the said petitioner, his heirs and assigns forever; which deed shall be good and valid in the law for the firm holding the same land accordingly.

An Act stating the Wages of Sheriffs and Jurors that are imployed in laying out Highways.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when the county courts, in any of the counties, shall order the sheriff to impannel a jury to lay out any highway or ways, the sheriff or his deputy shall be allowed six shillings

per diem for the time he shall attend the jury on that service; and every juror shall be allowed four shillings *per diem* for the time he is imployed in that service; to be paid in currant money. And if any person being summoned to serve as a juryman, to lay out any highway or ways, shall neglect to attend the same, shall incur the penalty of twenty shillings to the county treasury where such person dwells.

An Act for allowing the Cove or Creek at Midletown, called Sumners Creek, to be under the same Regulation as Windsor Ferry River and Quinabaug River are, in Respect of Preventing of Nuisances in said Creek or Cove.

It is enacted and declared by this Assembly, That the fishing creek or cove in Midletown, called Sumners Creek, shall be under the same regulations, restrictions and encouragements, as Windsor Ferry River and Quinabaug River are by act of this Assembly entituled An Act to prevent nuisances by hedges, weirs, &c., in rivers, as may be found in page 205 of our law book. And if any person whatsoever shall by weirs, hedges or seines, or any other way whatsoever, disturb, hinder, or any ways obstruct the natural or usual course of the fish up said cove or creek, it shall be deemed and accounted a common nuisance, except with the licence of the county court in the county of Hartford. Any of said obstructions shall be removed, and the person found guilty thereof to be punished, as by said law is provided.

Upon the petition of Robert Wells, Thomas Wright, Nathan[l] Burnham, selectmen of the town of Wethersfield, shewing to this Assembly that one Amy Gilbert of said Wethersfield, an impotent person, for many years now last past hath been supported and maintained at the publick charge of the town, and like so to continue a charge, having a small portion in lands at a place called Divident, in said Wethersfield, lately fallen unto her upon the distribution of the estate of her father Josiah Gilbert, late of Wethersfield, deceas'd, as it is made and exhibited into the registry of the court of probate in the county of Hartford; praying that they may be enabled to make sale of said land: This Assembly grants liberty and full power to the petitioners, or any two of them, to make sale of said lands to the highest bidder, and make, seal and deliver good and ample deeds to such to whom they shall sell the same; and do order that the money produced upon such sale be improved for the comfortable support of said Amy Gilbert; and if any remain after her decease, that shall be to the benefit of said town of Wethersfield.

[325] An Act in Addition to an Act made and passed in the General Assembly holden at New Haven, October 1725, entituled An Act for further Providing for Small Causes.

A Question propounded to this Assembly upon the act made and passed at the Assembly held at New Haven in October last, entituled An Act for the restraining the liberty of appeals and reviews in actions brought on bonds and bills, whether notes of hand are included within said act: It is now resolved, that all bonds that are conditioned for the payment of money only, and bills given for the payment of money, and notes of hand given for the payment of a sum of money only, being all witnessed and well avouched thereby, are those things that comes within the intent of the law above referred to.

An Act in Alteration of and in Addition to an Act entituled An Act concerning Fines and Penalties.

Resolved by this Assembly, That for the future all the fines and penalties laid on any person or persons, for the breach of any of the penal laws of this government, shall be in money, as to the whole sum mentioned in such penal laws, without any abatement upon their being mentioned or understood to be pay; anything in such laws, or custom, or practice thereon had, to the contrary notwithstanding.

An Act for Repealing the last Paragraph in an Act entituled An Act concerning Delinquents, and for the further and effectual Providing that Execution may be done on Delinquents.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, That the last paragraph in the law of this Colony entituled An Act concerning delinquents, be repealed, and it is hereby repealed.

And it is further enacted, That when any sheriff, deputy sheriff or constable, shall receive a warrant from any court, assistant or justice, (that hath lawful cognizance of the offence,) to do execution of judgment by them given against any delinquent, such sheriff, deputy sheriff or constable, shall proceed to do execution himself, or by some meet person by him to be procured to the acceptance of said court, assistant or justice, according to such warrant.

And it is further enacted, That all persons as are required to do execution on delinquents shall be paid for his service out of the delinquents estate, or for want of estate, out of the county treasury, as the court, assistant or justice shall allow.

Upon the petition of Lemon Stubbins, administratrix on the estate of her late husband Edward Stubbins, late of New London, deceased, shewing to this Assembly that the moveable part of the estate of said deceas'd is not sufficient by the sum of twenty-nine pounds ten shillings and eleven pence to pay

and discharge the just debts of said deceas'd, and praying liberty to sell so much of the lands of said deceas'd as may enable her thereunto: This Assembly do now thereupon give and grant unto the said Lemon Stubbins full power and authority to sell so much of lands of said Edward Stubbins as may produce money sufficient to pay the said debts and the charges arising upon the sale thereof; she taking the advice and direction of the judge of the probate in the county of New London in the sale thereof.

This Assembly do establish and confirm Mr. Phillip Eastman of Ashford, to be Ensign of the company or trainband in the town of Ashford aforesaid, and order that he be commissioned accordingly.

Upon consideration of the petition of Capt. James Rogers, administrator on the estate of Joseph Lester, late of New London, deceas'd, shewing to this Assembly that the moveable or personal estate of the said deceas'd is insufficient to discharge all the just debts due therefrom, by the sum of fifty-seven pounds and nine shillings, praying the direction of this [526] Assembly therein, and power to sell land: || This Assembly do thereupon give and grant unto the said James Rogers full power and authority (with the advice and direction of the judge of the probate in the county of New London) to sell so much of the lands or real estate of the said deceas'd as may produce money sufficient to pay the said remaining debts, together with the just charge and expence in the sale thereof.

Upon consideration of the petition of Hannah Rigbee, executrix of the last will and testament of Jonathan Rigbee, late of Plainfield, deceas'd, shewing to this Assembly that the moveable or personal part of the estate of said deceas'd is not sufficient, by the sum of one hundred sixty-eight pounds five shillings and two pence, to pay the just debts and necessary charges due from the said estate; that the said Jonathan Rigbee in and by his will aforesaid did not direct nor enable the said executrix to sell any of his lands to pay his said debts, &c.; and thereupon praying this Assembly to be enabled thereunto: This Assembly do thereupon give and grant unto the said Hannah Rigbee, full power and authority to make sale of so much of the lands of said deceas'd as may produce the sum of one hundred sixty-eight pounds five shillings and two pence aforesaid, together with the necessary charges that will arise in the sale thereof; the said Hannah Rigbee taking the advice and direction of the judge of the probate in the county of Windham in selling the same.

This Assembly do establish and confirm Mr. Joseph Way

of Lyme, to be Captain of the second company or trainband in the town of Lyme aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Lattemore of Lyme, to be Lieutenant of the second company or trainband in the town of Lyme aforesaid, and order that he be commissioned accordingly.

Resolved by this Assembly, That the auditors shall receive and dispose of the dead stock, or bills brought in by rates, now in the Treasurer's hands, in the following manner, viz.: two of the said auditors joyntly shall receive each parcel or bundle of said money, which they shall first sort, laying such of said bills as are defaced and unfit for further service by themselves, and such as are fit for service by themselves; after which they shall joyntly count or number the same, and the true sum being found they shall keep both parts aforesaid in the immediate care and custody of them two, and proceed in like manner with another bundle or parcel, and so on to the third, fourth, &c., as the time will allow. And all the torn and defaced bills as aforesaid, which each two shall receive as aforesaid, the said two shall joyntly burn and consume to ashes before their leaving the house. And the bills fit for use as aforesaid, they shall, before leaving the house, deliver to the Treasurer for the further service of this Colony, taking his receipt for the same. And in this manner they shall pass thrô the whole of said bills brought in by rates. Then they shall proceed in like manner to receive and count the bills in the treasury brought in by exchange; and the true sum of said bills being known, they shall proceed to burn and consume to ashes the said bills in the manner aforesaid, keeping an exact and distinct account of all bills so burnt, of the rate bills, and of bills brought in by exchange as aforesaid.

[527] An Act in Addition to the Act for Regulating Ferrys.

Whereas there is a constant recourse of travellers and others for passage over the ferrys in this Colony: Therefore, for prevention of the great inconvenience and damage that doth or may happen to persons by being hindered and delayed at the said ferrys, for want of speedy transportation over the same,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the person or persons that are from time to time, or shall be, imployed for keeping New London ferry shall constantly maintain a boat or boats in good repair as the law requires, suitable for the said ferry, on each side of the water. And

that for the more speedy transportation of passengers, the ferrymen imployed in every of the ferry-boats within this Colony, respectively, are required to give constant and diligent attendance, from sunrise until nine of the clock at night from the first of April until the first of October, and until eight at night from the first of October to the first of April annually, and not to deny or delay the speedy carrying over any passenger or passengers, to the true intent and meaning hereof, on pain that every such ferryman or ferrymen, being complained of and convicted before any one or more of his Majesties assistants or justices of the peace of neglect of his duty in not crossing the said ferrys within the time limited as aforesaid, shall forfeit and pay the sum of twenty shillings, one-half to the informer or complainant, and the other half to the use of the poor of the town in which the said ferry is kept; and such assistant or justice of the peace may restrain the offender or offenders until he or they shall pay the said sum.

Provided nevertheless, That such ferryman or ferrymen shall not be obliged to put off from their respective shoars and pass the said ferry when it manifestly appears to be hazardous for them so to do, by reason of any storm or tempest, or that in the winter the ice do hinder the passing of any boat across the said ferry.

An Act in Addition to the Act for regulating Fees.

This Court considering that the fees of the county courts and justices and jurys,* heretofore allowed them, are too small,—

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That, for the future, the fees of the respective county courts in this Colony for the tryal of every action shall be twelve shillings, money.

That the judge of the respective county courts in this Colony shall have seven shillings *per diem* during his sitting in court.

That each justice of the quorum shall have six shillings, money, *per diem* during their sitting in court.

That the fees for the jury for the future shall be eighteen shillings, money, for every action by them tryed.

That every magistrate or justice of the peace shall have four shillings for the tryal of every action.

That the grandjurors shall be allowed three shillings *per diem* for each days attendance at the superiour and county courts.

The Assembly do establish and confirm Mr. Jonathan

* Jurors in the printed act, and in the original bill.—*Finance and Currency*, II. 45.

Lyman of Lebanon to be Ensign of the north company of the south society in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

Upon the petition of Mirriam Bissell of Windsor, widow, administratrix on the estate of Josiah Bissell, late of Windsor, [528] deceased, setting forth to this Assembly ‖ that said Josiah dyed and left just debts to pay, to the value of ninety-three pounds four shillings and nine pence, which is made appear to this Assembly, and thereupon prayeth that she, with some other meet person, may be impowred to sell so much of the lands of said Josiah, which he dyed seized of in fee, as will procure money to answer the sum aforesaid, and also to answer the charge and trouble she shall be at in and about selling said land: Upon consideration whereof, this Assembly do hereby authorize and fully impower the said Mirriam Bissell, with one Daniel Bissell, sen., of said Windsor, by the advice, with the allowance and approbation of the hon^ble^ the judge of probate in Hartford, to sell so much of the lands which said deceas'd Josiah Bissell dyed seized of in fee, as will procure a sum of money sufficient to answer the sum aforesaid and also to answer the charge the said Mirriam shall be at in and about selling said land; which money, when procured, shall be improved for the paying said debts and charge, and no otherways; which deed, when executed by said Mirriam and said Daniel Bissell, sen^r^, shall be as good and sufficient in the law to all intents, ends and purposes, for the holding such lands to the grantee that shall purchase the same, his heirs and assigns forever, as if the said grantee had received a good ample deed of the same land, every way executed according to law, of the said Josiah Bissell in his life time.

Upon consideration of the petition of the inhabitants of the south society in the town of Lebanon, preferred to this Assembly, shewing that they are now labouring under much difficulty relating to the place of publick worship, the present house being too small for the congregation, and a certain number of the inhabitants in the southern and western parts of said society refusing to go on with their brethren in building an house for the publick worship of God where the present house now stands, moving to be a distinct society of themselves, and for those ends have had many meetings to little purpose, thrô the different apprehensions among themselves; some supposing a distinct society best and most for their comfort, and others supposing that method to be destructive to the whole; and finding their endeavours much clogged, the peace and good order of the said society in much hazard, and praying the re-

lief of this Assembly: This Assembly do thereupon fully authorize and appoint Mathew Allyn, Roger Wolcott, and James Wadsworth, Esq'rs, they or any two of them, to repair to the place, view the state and circumstances of said south society, and to hear, resolve and determine, of and concerning the premises as to them shall seem most just and good for the whole, and report the same to this Assembly as soon as may be.

Upon a bill exhibited in this Assembly by John Winthrop, Esq., wherein he demands an appeal, and declares that he doth appeal to the King in Council, supposing himself aggrieved with the judgments of the superiour court in New London in March last: This Assembly observing that the common course of justice and the law of this Colony being by application to this Assembly when the judgments of the superiour courts are grievous to any person, and the said Winthrop not having attended the method and orders of the government, the said bill is dismissed from further consideration.

This Assembly do establish and confirm Mr. John Gallop of Voluntown to be Captain of the company or trainband in the town of Voluntown aforesaid, and order that he be commissioned accordingly.

[529] This Assembly do establish and confirm Mr. Robert Park of Voluntown to be Lieutenant of the company or trainband in the town of Voluntown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Franciss Dean of Voluntown to be Ensign of the company or trainband in the town of Voluntown aforesaid, and order that he be commissioned accordingly.

An Act in Addition to an Act entituled An Act for Providing of Pounds, and to prevent Rescues and Pound-Breach.

Whereas it is enacted that there shall be made and from time to time maintained, in every town in this Colony, a sufficient pound or pounds, at the cost and charge of the town, and no penalty annexed to said law to inforce the same,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the selectmen in each town shall, from time to time as need shall call for, erect and maintain a sufficient pound or pounds, as the towns hath or shall agree, at the proper cost and charge of said town.

And be it further enacted, That if any town be at any time without a sufficient pound, after the first day of the next ensuing August, that the townsmen of such town shall forfeit

the sum of twenty shillings per month for such time as they are not provided with a sufficient pound or pounds, so agreed upon by such town or towns, one-half to him or them that shall prosecute the same to effect, and the other half to the county treasury; any assistant or justice of the peace to hear and determine the same.

Provided, nevertheless, That if any town have or shall grant to any particular parish, hamlet, vicinity or part of any town, liberty, at their own charge and cost, to erect a pound or pounds for their conveniency, that the said pound or pounds shall be maintained by the said parish, hamlet, vicinity or part of any town, and the said townsmen shall not be punishable for any defects in them.

An Act in Addition to the Laws concerning Admission of Town Inhabitants, and for Repealing one Act relating thereto.

This Assembly, upon consideration had of the act of this Assembly made in the ninth year of the reign of King George, tituled An Act in addition to and explanation of the law entituled An Act concerning town inhabitants,* do now see cause to repeal the same, and it is hereby repealed and made void accordingly.

And whereas it is provided in the 3d paragraph of the law tituled An Act for directing the admission of town inhabitants, page 59, that if any person or persons shall, contrary to the intent of this law, entertain or hire any stranger or transient person, or let any house or land to such stranger or transient person, except he or they shall first give good security to the acceptance of the said authority and selectmen, that such town or plantation shall not be burthened and charged by him or them, he shall forfeit and pay, to the use of the poor of the town whereto he or they belong, the sum of twenty shillings per week for every week he shall harbour, entertain or hire any such person,

It is now further enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That, notwithstanding said paragraph and anything contained therein, it shall be in the power of said authority and selectmen to refuse such bonds and sureties as in said paragraph is provided, unless the person or persons have first obtained the approbation of the authority and selectmen of the town.

And be it further enacted by the authority aforesaid, That if any person or persons, within any of the towns or plantations

* Vol. VI, 356.

of this Colony, shall sell and convey any land to any person or persons, who contrary to the second paragraph in the law entituled An Act for directing the admission of town inhabitants, who would, under colour of such purchase, make his or her [530] abode in such town, he or they selling as aforesaid || shall for every such offence pay, as a fine, the sum of twenty pounds, money, one moiety thereof to the town treasury for the use of the poor of the town where such offence is committed, and the other half to him who shall prosecute the same to effect.

Upon consideration of the petition of Mary Baker of New London, administratrix on the estate of her late husband, Alexander Baker, late of said New London, deceased, now preferred to this Assembly, shewing that her said husband in his life time made a purchase of a certain tract of land lying in New London aforesaid, of Mr. Samuel Avery, and made payment of part of the money due upon the purchase, and not having sufficient to pay for the whole was under necessity to mortgage the same tract of land so purchased, to said Avery, for the payment of the remainder: that the said Alexander Baker dyed not having paid the money due upon said mortgage: that the time of payment of the money as limited in the mortgage, is past, whereby the land is become forfeited: that the heirs of said deceased lye at the mercy of said Avery: that the said Avery is willing to render up his claim by force of said mortgage upon the payment of what is yet remaining due thereon: that there is not sufficient of the moveable part of the estate of the deceased to pay and discharge the money so remaining due upon the mortgage: This Assembly do therefore give and grant unto the said Mary Baker full power and authority to make sale of so much of said land as may produce money sufficient to discharge the said remaining debts, and make and execute good and ample deeds thereof; and the land she shall so sell shall be a good estate to the purchaser or purchasers thereof in fee. Provided the said Avery do consent to such sale. *The abové act concerning Mary Baker entered thrô mistake, thereupon cancelled.*

Upon consideration of the petition of Elizabeth Cook, executrix of the last will and testament of Samuel Cook, (the second,) late of Wallingsford, deceased, preferred to this Assembly, representing that the deceased in his will did make her executrix and did desire that his debts and legacies might be paid by her out of his moveable estate, &c., and if, in case his moveable estate and rents and debts due to his estate would not pay his debts and legacies, then his will was that the said Elizabeth Cook should sell or mortgage some of his lands for

the payment thereof, and that the debts appearing to be considerably more than the moveable estate, so that, according to the letter of the will, she is directed to sell no land but for the payment of what debts did exceed the moveables, and thereby must necessarily be void of all moveables for housekeeping, and praying for some relief thereon: This Assembly is of opinion that undoubtedly the mind of the testator was that his widow and family should not be deprived of necessary household goods: Whereupon it is resolved by this Assembly, that the said Eliza. Cook shall have for her use during life in such household goods as by law is allowed to widows in case a man dyes insolvent, to be set out to her by the judge of probates in New Haven, and she is hereby fully impowred, (at the direction of the aforesaid judge of probates,) to make sale of so much of the deceased's lands as shall amount to the sum of the household goods to be set out as aforesaid; and the sale so made shall be good and effectual in the law to hold the land or lands to the buyer and his heirs and assigns forever.

Upon the petition of Ann Bushnell, administratrix to Capt. Caleb Bushnell, late of Norwich, deceased, praying this Court to impower [her] to execute to John Olmsby, jun., of Norwich, a deed of twenty-one acres of land lying in Norwich, westerly from Thomas Stoddard's saw-mill, which the said Caleb Bushnell was by an indenture obliged to do: This Assembly doth therefore fully impower and authorize the said Ann Bushnell, with Capt. Benajah Bushnell, of Norwich, to execute to the [531] said John Olmsby a deed ‖ of the abovesaid twenty-one acres of land, which shall be as good and effectual, to all intents and purposes, to the said John Olmsby and to his heirs and assigns forever, as if the said Caleb Bushnell in his life time had so done.

Resolved by this Assembly, That James Wadsworth and John Hooker, Esq'rs, make strict enquiry after and take examinations of such persons as are able to give evidence in the cause of Shillings and Chopps, two Indians that are now imprisoned upon suspicion of murthering David Lane,* late of Stratford, and report to the judge of the superiour court such evidences as they shall find may give light in that case; and that the hon^ble^ the judge of the superiour court is ordered to call a special superiour court, to be holden at Fairfield, for the tryal of said Indians, at some convenient time as the judge shall appoint; and that Joseph Whiting, Esq., or any other of

* Son of Alexander Lane. Vol. VI., 551. The Indians were tried at the superiour court held at Fairfield, August 30th, 1726, and acquitted. *Records Sup. Court*, Vol. IV.

the civil authority that having any knowledge of any that are likely to give light in that affair, that they enquire, examine and send what evidences they shall find in that matter to the hon^ble^ chief judge of the superiour court, with all convenient speed.

Upon the petition of Preston, praying to this Assembly for a patent: This Assembly do hereby appoint and impower James Wadsworth and Hez. Brainerd, Esq'rs, (at the charge of the petitioners,) to go upon and view the lands of Preston and Voluntown, and enquire if any addition may be made to Preston on the east without intrenching on the grants made to Voluntown by this Assembly, and to enquire into the whole affair relating to Preston and Voluntown aforesaid, and make their report thereof to the Assembly to be holden in New Haven October next.

Upon the petition of the north society in Lyme, praying to this Assembly for some support towards the setting up the worship of God in said society: This Assembly grants to said society their country rates for two years next coming, and that it be collected by the constable of Lyme for the time being, and to be delivered to the committee of said society for the time being, taking their receipt for the same, which shall be his discharge to the treasurer of this Colony for so much, and that it be improved towards the building of the meeting house in said society.

This Assembly do exempt Jacob Cornwall, of Midletown, in consideration of his lameness, from being rated in the publick taxes of the Colony and other rates for his poll, and he is hereby exempted accordingly.

Upon the memorial of the Reverend Mr. Timothy Woodbridge, and Mr. Samuel Whitman, Trustees of Yale College, informing this Assembly that they had prevailed with the Reverend Mr. Elisha Williams to remove from his parish at Newenton to Yale College, and to undertake the trust and service of rector of said college, and that the people of Newenton ought to be considered with respect to the disbursements they have made in settling Mr. Williams amongst them: It is, therefore, considered by this Assembly, that the Treasurer pay out of the publick treasury to the inhabitants of Newenton, the sum of one hundred pounds and sixteen shillings, in satisfaction of part of the sum the trustees agreed the said inhabitants should have as a recompence for their said disbursements; provided the said Mr. Williams be settled in the trust of rector of the said college.

Upon consideration of the petition of William Whitmore,

praying that the bridge, building by Midletown, over the ferry river, may be ordered to cease, or that the town of Midletown shall reimburse him the costs expended by his father and himself in erecting a bridge over said river, to which the agents for Midletown have replied that their bridge is already perfected, and the granting of that part of the prayer will be of no profit to the petitioner: This Assembly do appoint John Hall, Hez. Brainerd, Nathaniel Stanly, Esq^{rs}, or any two of them, to be a committee, at the cost of the parties, to endeavour an agreement between the said Whitmore and the town of Midletown about their controversie; and if the committee cant bring the parties to an agreement, they are to hear the parties and what the building said bridge hath cost said William Whitmore, and make their report to this Assembly in October next, with their opinion thereupon.

[532] Upon the petition of Caleb Watson and Sarah Watson, both of Hartford, administrators on the estate of John Watson, late of Hartford, deceas'd, thereby shewing to this Assembly that at the Assembly in May last, viz., 1725, your Honours then allowed your petitioners upon their petition then brought, to sell so much of the land of said deceased as amounted to the sum of ninety pounds ten shillings and eight pence, for the payment of the debts of said deceas'd, which said petitioners have done, and there still appearing the sum of forty-five pounds eighteen shillings and four pence that is still justly due from said estate, said petitioners having prayed this Assembly for liberty to sell so much of the land of said deceas'd as will procure the sum of forty-five pounds eighteen shillings and four pence in money, to pay said debts withal: Upon consideration whereof, this Assembly fully impowereth said Caleb and Sarah Watson to sell so much of the land of said deceas'd as will procure money sufficient to answer said debts, amounting to said sum of forty-five pounds eighteen shillings and four pence, and to answer the charges said administrators shall be at in selling said land and paying said debts; provided said sales are made by and with the consent of the hon^{ble} the judge of the probates in Hartford; and all deeds given by said administrators shall be good and effectual in law to the grantee, for his holding said lands to him and his heirs forever, which is sold to him by said administrators with the consent and allowance in manner as aforesaid.

Upon the petition of Nathaniel Washborn, of Coventry in the county of Hartford in the Colony of Connecticutt, *v.* Lt. Peter Buell, of said Coventry, and Elnathan Bridgham, of Mansfield, in said county, shewing that the said Buell and

Bridgham recovered final judgment against him for the surrendry of one hundred acres of land in said Coventry, and costs, at a superiour court holden at Hartford, March 172$\frac{2}{3}$, praying a reversal of said judgment and liberty of another tryal of the said case at the superiour court, to be holden at Hartford on September next, and that the whole charge may follow the suit: This Assembly do reverse the said final judgment, and it is hereby reversed, and do grant the said Washborn liberty of one tryal more in said case at the superiour court, to be holden in Hartford September next, and do order that the whole charge follow the suit.

This Assembly appoint Mr. Josiah Conant to be Surveyour of Lands in the county of Windham.

Upon the memorial of Thomas Starr, of Danbury, in the county of Fairfield and Colony of Connecticutt, shewing to this Assembly that one Abraham Addams, of Fairfield, made purchase of one hundred acres of land belonging to the Colony, between Danbury on the north and Norwalk and Fairfield on the south, and that by divers conveyances he obtained the same, and also the native right of said hundred acres, and that the same was surveyed and laid out by Mr. John Copp, county surveyour, returned and entered in the Colony records, desiring this Assembly to grant him a patent for said land bounded and described according to the return of said surveyour, recourse thereto being had: This Assembly do grant the said Thomas Starr a patent for said hundred acres as it is bounded and described in the return of Mr. John Copp, county surveyour aforesaid, made the 23d of March 171$\frac{5}{6}$, signed by the Governour and Secretary of this Colony, as the law directs.

This Assembly grants to his Honour the Governour the sum of forty pounds out of the publick treasury, in recompence of his Honours extraordinary service heretofore, and not yet allowed for.

Resolved by this Assembly, That the several Assistants and Deputies attending this Assembly, and that shall hereafter attend on the General Assembly from time to time, be each allowed, out of the publick treasury of this Colony, two shillings money *per diem* in addition to their former salaries.

This Assembly do establish and confirm Mr. Jonathan Westover, of Symsbury, to be Captain of the north company or trainband in the town of Symsbury aforesaid, and order that he be commissioned accordingly.

[533] Upon the prayer of George Richards, together with other of the inhabitants of the northern quarter in New Lon-

don, southward of Alewive Brook, that they may have parish privileges with respect to their school: This Assembly, considering said prayer, do order and enact that they have parish privileges as prayed for.

Its enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no member of the General Assembly, during the time of their sessions, or going to or from thence, shall be arrested, sued, imprisoned, or any ways molested or troubled, or compelled to make answer to any suit, bill, plaint or declaration, or otherwise. Cases of high treason or felony excepted.

Upon the petition of Samuel Shipman, administrator on the estate of William Shipman, late of Hebron, deceas'd, shewing to this Assembly that the whole estate of the said deceas'd is not sufficient to pay the just debts, that there is belonging to the estate a piece of land of about twelve acres, and therefore prays that he may be enabled to sell said land: This Assembly do therefore fully impower and authorize the said Samuel Shipman to make sale of said land to the highest bidder, and improve the money produced thereby toward paying the just debts of the deceas'd, taking the advice and direction of the hon^ble^ judge of the probate in the county of Hartford in the sale thereof; and the land so sold shall be firmly holden to the purchaser thereof, his heirs and assigns forever.

On the prayer of the inhabitants of the east society in Norwich: Granted by this Assembly, that they imbody in church estate and call and settle an orthodox minister of the gospel amongst them, with the approbation of the neighbouring churches.

This Assembly do establish and confirm Mr. Joseph Nickols, of Stratford, to be Lieutenant of the company or trainband of the parish of Unity in the town of Stratford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Sherwood, of Stratford, to be Ensign of the company or trainband in the parish of Unity, in the town of Stratford aforesaid, and order that he be commissioned accordingly.

Upon the petition of Geoffry Seter, an Indian man, informing this Assembly that sometime last fall he, being led away by other evil-minded persons, did go into New London meeting house, in the time of divine service, upon the sabbath, and did then and there make disturbance, for which he was by the county court, held in New London in November last, sentenced to pay the sum of twenty pounds to the treasury of this Colony,

and now prayeth this Assembly to remit said fine, upon the consideration of said petition, he, said Geoffery, his freely confessing himself guilty in said court, and his acknowledging his fault for his so doing, and desiring to be humbled under it, and promising to walk more orderly for the time to come: This Assembly do hereby freely remit said fine, and order that execution shall not be granted by the clerk of said county court for said twenty pounds, and that a copy of this act shall be shewn to said clerk.

An Act to enable Creditors to recover their just Debts out of the Estates or Effects of their absent or absconding Debtors.

For the better preventing of frauds and deceit sometimes designed, and also practiced, by ill-minded debtors, who betrust their goods, estate and effects, in the hands of others, with intent to reserve and secure the same to their own use, and thereby defeat their creditors of their just dues; or not being inhabitants within this Colony, and their goods and effects concealed, so that they cannot be attached or made liable to the payment of their creditors by ordinary process of law:

[534] *Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same*, That for the future it shall and may be lawful to and for any creditor to cause the lands, goods or effects, of his absent or absconding debtors, not residing within this Colony, to be attached, in whose hands or possession soever the same are or may be found; and the attaching of any part thereof shall secure and make the whole that is in such persons hand liable in the law to respond the judgment to be recovered upon such process, if so much there be, and no further, and shall be subject to be taken in execution for satisfaction thereof, or so far as the value thereof will extend; and the person in whose hands any such lands, goods or effects are, shall accordingly expose the same.

And it is further enacted by the authority aforesaid, That where no lands, goods or effects, of any absent or absconding debtor in the hands of his attorney, factor, agent or trustee, shall be exposed to view or can be come at, so as to be attached, it shall and may be lawful for any creditor to bring his action against his absent or absconding debtor for recovering of his dues; and in every such case the creditor shall, by some proper officer, leave an attested copy of his writ, at least fourteen days before the time of tryal, with such absenting or absconding debtor, attorney, agent or trustee, or leave the same at the place of his or their usual abode, which shall be a sufficient citation for the creditor to bring forward his action upon, to trial, unless the debtor be an inhabitant of this Col-

ony or hath for some time dwelt therein, in which case a like copy as abovesaid shall be left by the officer at the dwelling house, lodging, or place of his last or usual abode; and such attorney, factor, agent or trustee, upon his desire shall be admitted to defend his principal in such suit through the course of law, according to the nature of the action: but if the debtor be not in the Colony, and no attorney appears to defend in the suit, the court shall continue the action to the next court, and then, if need be, shall continue the same once more to the next court, (that thereby such attorney may notify his principal,) and then, without special matter alledged and allowed in bar or abatement, the matter shall come to tryal; and if judgment be rendered for the plaintiff, all the goods or effects which are in the hands of such attorney, factor, agent or trustee, to the value of such judgment, if so much there be, shall be liable and subjected to execution granted upon such judgment for or towards the satisfying the same, and from the time of serving the summons as aforesaid shall be liable and secured in the law in his hands, and may not be otherwise disposed of by such attorney, factor, agent or trustee. And in case any attorney, factor, agent or trustee, from and after the time of his being served with a summons aforesaid, against his principal, (being an absent or absconding debtor,) shall transfer, remit, dispose of, or convert, any of the goods or effects of such debtor in his hands at the time of such service, within what shall satisfy the judgment, the debt being afterwards ascertained by judgment of court given for the same, or that shall not discover, expose and subject the goods or effects of the debtors in his hands, to be taken in execution for or towards the satisfaction of the judgment, so far as what is in his hands or possession will extend, shall be liable to satisfy the same of his own proper goods or estate, as if it were his own debt, and a writ of *scire facias* may be taken out from the clerk of the court where the judgment was given, to be served upon such attorney, factor, agent or trustee, requiring him to appear before such court and shew cause, if any he have to the contrary thereof; where, upon default of appearance of such attorney, factor, &c., or refusal to disclose upon his oath, (which oath the court are hereby authorized to administer,) what goods or effects of the debtor are in his hands or possession, then judgment shall be entered up against him of his own proper goods or estate, and execution shall be accordingly granted.

Provided, nevertheless, That if the person summoned as aforesaid had or have not any goods or effects of the debtor in his hands, nor any ways remitted, disposed of, or converted

the same, from and after the serving the summons, the party [535] that commenced the suit shall pay and satisfy || the costs and charges that such factor, attorney, &c., hath been at in such suit, and to be allowed and taxed by the court in the usual form.

And it is further enacted by the authority aforesaid, That the goods or effects of any absent or absconding debtor, so taken as aforesaid by process and judgment of law out of the hands of his attorney, factor, agent or trustee, by any of his creditors, shall fully acquit and discharge such attorney, factor, agent or trustee, his executors and administrators, from all and every action, suit, tryal, payment and demand whatsoever, to be brought, or that may be brought or commenced by his principal, his executors or administrators, of or for the same; and if any attorney, factor, agent or trustee, shall be molested, troubled or sued by his principal for any thing by him done in compliance of this act, he may plead the general issue and give this act in evidence for his justification, any law, custom or usage to the contrary notwithstanding.

Always provided, That in every action or suit that the creditor may bring against his debtor for the recovery of his debt, and wherein the law hath (before the passing this act) provided for the carrying on the same to final judgment, the creditor shall not be obliged to conform himself to the rules provided in this act.

And it is enacted by the authority aforesaid, That every person taking a power of attorney from any person that is not an inhabitant in this Colony, shall record the same in the county records in the county where the attorney doth live, before he doth commence any action or suit in behalf of his principal.

And that this act be and continue of force for five years, and no longer.

Upon the petition of John Rogers, of New London in the county of New London and Colony of Connecticut, son of John Rogers of said New London deceased, setting forth to this Assembly that he brought his action against Joanna Rogers of said New London, as she was executrix of the last will and testament of her late husband Samuel Rogers late of said New London deceas'd, at a county court held in New London on the first Tuesday of June last past, for the sum of thirty pounds due to said John Rogers from the estate of said deceas'd, and also did recover final judgment at said county court against said Joanna, as she was executrix as aforesaid, for the sum of thirty pounds debt and one pound and five shillings and eight pence costs; all which will appear from the files and records of said county court; and that said peti-

tioner took out an execution for said debt and costs, and gave the same to the sheriff of said county, who went with the same to the dwelling place of said Joannah and made demand of said debt and costs of her, said executrix, who told the sheriff she had no estate of said testator to answer said debt withal, nor never had, and the sheriff made return that he could find no estate of said intestate to levy said execution upon; all which shall appear upon the indorsement made upon said execution; and said petitioner also setting forth that said Joannah hath not, as he can find, sufficiency enough of estate in the world to answer said judgment, and also that the heirs of said testator have sold and conveyed away very considerable of said estate, which never was inventoried in the inventory of the estate of said testator, whereby he, said petitioner, is like to lose his said debt and costs, and therefore prayeth this Assembly to give him relief some such way as that he may not lose said debt of thirty-one pounds five shillings and eight pence recovered as aforesaid: Upon consideration whereof, this Assembly doth hereby authorize and fully impower the said John Rogers, the abovementioned petitioner, to bring any writ, action, process or suit whatsoever, against Samuel Rogers, Daniel Rogers and Jonathan Rogers, sons of the said Samuel Rogers deceas'd, for the recovery of said thirty-one pounds five shillings and eight pence, as fully to all intents and purposes as the said petitioner might or could do against said Joannah, executrix to the last will and testament of said Samuel Rogers deceas'd, and that they, the said Samuel Rogers, Daniel Rogers and Jonathan Rogers, sons of said Samuel Rogers deceas'd, shall be holden to answer to any suit brought against them by said petitioner for the said thirty-one pounds five shillings and eight pence, that they, or either of their persons, shall be liable to have his or their body or bodies, estate or estates, taken by execution granted upon any judgment which said petitioner shall recover against them, as fully to all intents and purposes as that the said execution might be levyed upon the estate of said Joannah if the suit were brought and judgment recovered against her.

[536] An Act for Repealing one Paragraph in the Law entituled An Act relating to Horses.

This Court, considering the damage and inconveniency that ariseth from that paragraph in the law, page 53, for upholding of a good breed of horses, prohibiting stone horses running on the commons at liberty above two years old, unless thirteen hands high, &c., do repeal that paragraph in said law, and it is hereby repealed.

Upon the memorial of Daniel Messenger of Hartford, fer-

ryman, praying this Assembly to grant him liberty to retail strong drink to travellers, strangers, and others in the town of Hartford; This Assembly grants the prayer of the memorialist, to retail strong drink as aforesaid, and that he shall take out a licence at the next county court and give bond in common form, which licence shall continue for one year and no more; provided the said Messenger shall carry over his ferry all such persons ferry free as shall have occasion to pass upon the publick service of this Colony.

Upon the petition of Joseph Cornish and Mary Cornish of Symsbury, shewing to this Assembly that whereas John Moses of Symsbury did formerly mortgage to Capt. Samˡˡ Humphreys a house and lot and house and orchard standing thereon, for a certain sum of money, which sum of money hath since been paid to said Samuel Humphreys, viz. the greatest part thereof; that said mortgage is out, and the land &c. became forfeit to said Samˡˡ Humphreys; that the said Samˡˡ Humphreys is since departed this life, and no person able to release the said land and premises to said Moses, and free the same from the aforesaid mortgage: This Assembly do therefore fully impower and authorize the said Joseph Cornish and Mary Cornish, upon said Moses his payment to them the money yet remaining due thereon, to make, seal and deliver to the said John Moses a good and ample deed of quit claim and release of the said land and premises unto him, the said John Moses, for the firm holding the same to him, his heirs and assigns forever; which being performed, the said land and premises shall be so holden, to all intents, purposes and constructions whatsoever, as thô the said deed of mortgage had never been had or made.

Upon the petition of Ephraim Brown of Coventry in the county of Hartford, blacksmith, *v.* Edward Belcher of Milton in the county of Suffolk in his Majesties Province of the Massachusetts Bay, yeoman, shewing to this Assembly that the said Belcher brought an action of covenant against the said Ephraim Brown, demanding one hundred pounds damages and costs of court, at a county court held in Hartford on the first Tuesday of November, 1724, and recovered final judgment in the said action against him, said Brown, at the superiour court held in Hartford on the second Tuesday of September, 1725, for the sum of one hundred pounds damage, and cost of court taxed at seven pounds two shillings, and desiring a reversal of said final judgment and a grant of a new tryal at the next superiour court to be holden at Hartford aforesaid: This Assembly do therefore reverse the said final judgment, and it is hereby reversed, and do grant the

said Ephraim Brown a new tryal at the superiour court to be holden at Hartford in September next.

Upon the petition of Robert Booth and George Hubbard, guardians to the minor children of Jonathan Seymore late of Kensington deceas'd, praying that this Assembly would appoint some meet person to sell to the children of said deceas'd the Colony's right to two hundred acres of land, lying in that parcel of land called Wallingsford Purchase, being the same land the said deceas'd in his life time purchased of Ebenezar Seymor: This Assembly do appoint and fully impower John Hall, Esq^r, to grant the governments right in the said lands [537] unto the || said deceas'ds children; provided said Hall shall find said land free from any former sale made by this Assembly, or by the committee appointed by the same for the disposing of certain parts of said parcel of land. The petitioners to be at the charge of the same.

Upon consideration of the petition of Mary Baker, administratrix on the estate of Allexander Baker, late of New London, deceas'd, shewing to this Assembly that the moveable or personal estate of the said deceas'd is insufficient to discharge all the just debts due therefrom by the sum of eighty-one pounds twelve shillings, praying the direction of this Assembly therein, and power to sell land: This Assembly do thereupon give and grant unto the said Mary Baker full power and authority, with the advice and direction of the judge of the probate in the county of New London, to sell so much of the lands or real estate of the said deceas'd as may produce money sufficient to pay the said remaining debts, together with the just charge and expence in the sale thereof.

Upon the petition of John Doude, of Killingsworth, praying for the reversing of a certain judgment of the superiour court holden at New Haven in March last past, in an action wherein Edward Stocker, of Guilford, was plaintiff, and said Doude defendant, by an appeal from a court of probate held at New Haven August 3d, 1713, as by the said petition may more fully appear; and also praying for a new hearing and tryal of the said action at the superiour court to be holden at New Haven in September next: This Court grants the prayer of said petition, and order that the said John Doude shall have a new hearing and tryal of said action at the superiour court in September next, and that all the charges that have hitherto arisen in the same shall follow the judgment of the said superiour court in September next, and be given to him in whose favour the said judgment shall be; and that no execution shall be levied upon the said Doude for the judgment of the superiour court

in March last past aforementioned; and the petitioner pay to the respondent his costs at this Assembly, which is allowed to be £

Upon the prayer of the administrators of John Easton, late of Hartford, deceas'd, representing to this Assembly that the said deceas'd dyed indebted by some hundreds of pounds more than his chattels are sufficient to answer: This Assembly grants power to the said administrators, or any two of them, to sell and dispose so much of the real estate of said deceas'd as shall suffice to pay the sum of three hundred forty-seven pounds one shilling and one penny, and charges of selling; they attending the orders of the honourable the judge of the court of probate, in Hartford, from time to time, in all things relating thereunto.

An Act in Addition to and Explication of an Act entituled An Act to prevent Encroachment on Highways or upon Common and Undivided Land.*

Whereas it is, in the second paragraph in said act, provided that, if the person so offending shall presume to commit the like offence in the same place, he shall incur the penalty of ten pounds: And whereas it is oftentimes very difficult to obtain legal and ordinary proof against such offenders:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That every such person shall be deemed guilty of such offence, unless he can satisfy the court that hath cognizance of such offence, that he did not himself, nor by his order nor consent, cause or procure said offence to be committed.

Be it further enacted by the authority aforesaid, That if the said person shall commit said offence by taking in a lesser or greater, or exactly the same quantity of any highway, or common or undivided land, where his fence was, according to said act, pulled down and removed, he shall incur the said penalty of ten pounds for every such offence, as often as he shall commit the same, (in the tryal whereof no review shall be allowed;) anything in said act contained to the contrary notwithstanding.

[538] Upon the petition of Thomas Stow, of Midletown, preferred to this Assembly, shewing that he had purchased of John Blake, late of Midletown aforesaid, deceas'd, in his lifetime, one certain piece of land in Midletown aforesaid, being the sixth part of one-half of an allotment of land in the northwesterly lots, commonly called or known by the name of George Duran's lot, be the same more or less; the whole lot

* Vol. vi. 449.

being butted and bounded east on a highway, north on Stocking's lot, west to the extent of Midletown bounds towards Farmington, south on Joseph Hobert's lot; for which land so purchased the petitioner had paid the sum agreed on, viz., eight pounds; that the said John Blake had procured a deed to be drawn, but did neglect in his life-time to execute the same in due form; and the petitioner now praying relief: This Assembly do now authorize and fully impower Elizabeth Blake, of Midletown, administratrix on the estate of said deceas'd, to make, seal, and execute in due form, a good, ample deed of the land, with the appurtenances so sold, unto the said Thomas Stow, his heirs, and assigns forever; which deed so made shall be good and effectual in the law for the firm holding the premises unto him the said Thomas Stow, his heirs and assigns forever, to all intents, purposes, and constructions, as if the said John Blake had himself, in his life-time, executed the said deed.

This Assembly do establish and confirm Sam[ll] Lynde, of Seybrook, to be Lieutenant of the town company or trainband in Seybrook aforesaid, and order that he be commissioned accordingly.

Jeremiah Bissell, of Windsor, having received a deed or conveyance of a certain estate of his brother Josiah Bissell, of Windsor, who dyed before he had perfected and fully executed said deed, prayeth this Hon'd Assembly would enable and impower the widow of the said Josias Bissell, deceas'd, or some other meet person, to perfect and fully execute said deed: This Assembly having considered and granted the prayer of the petitioner, and do hereby impower and order Mirriam Bissell, the widow of the said Josias Bissell, to perfect and fully to execute said deed to the petitioner.

Upon the petition of Henry Green, of Kellingly, to this Assembly, sitting in Hartford May 12th, 1726, informing this Assembly that Capt. John Stanly, of Farmington, had, by this Court, a grant of two hundred acres of land in May 12th, 1687, and was since conveyed by said Stanly to Mr. Stephen Clap, of Scituate, and to him surveyed and laid out, and since purchased by said Green; and it doth fully appear that thirty-eight acres of the said two hundred hath, thrô mistake, lapt upon the college farm, conveyed by Major Fitch, to the reverend trustees of Yale College: Whereupon this Assembly grants to the said Henry Green the liberty to take up thirty-eight acres of land in any part of the ungranted lands in this Colony, in lieu of the aforesaid thirty-eight acres of land so lapt on said college farm.

A prayer being preferred to this Assembly by Mrs. Elizabeth Whiting and Mr. Richard Abbey, administrators on the estate of the Reverend Mr. Samˡˡ Whiting, late of Windham, deceas'd, that the said Samˡˡ Whiting, in his lifetime, did sell unto Benjamin Owen, of Lebanon, a certain tract of land lying in Lebanon, in a place called the Crank, containing about one hundred and twenty-five acres, by estimation, and also did sell to John Backus, junʳ, of Windham, a twenty acre lot in the last division in said Windham, for which tracts the said Whiting became obliged to execute deeds of conveyance, but dyed before they were compleated; they therefore requesting of this Assembly that the said Mrs. Whiting may be impowered to execute deeds of conveyance of the said tracts, respectively: This Assembly therefore order and impower the said Mrs. Whiting to execute deeds accordingly, and the rest of the claimers in the Crank lands to joyn in the sale.

Upon the petition of Thomas Griswold, of Wethersfield, on the account of his son, Isaac Griswold, who hath for many [539] years past, this present, || and so for future likely to continue during natural life to be the lamentable state of the said Isaac Griswold to be *non compos mentis*, deprived of the use of his reason to that degree that renders him uncapable of consulting his worldly interest; whereupon the petitioner humbly requests that some suitable person or persons may be deputed and impowred to sell and dispose of the aforesaid discomposed's estate real, in part or in whole, as they shall think needful, and improve the effects thereof, from time to time, for his, the said Isaac's, comfortable support, and for the defraying of all just debts by him contracted when in his right mind: This Assembly grant the prayer of the above petitioner, and David Goodrich, senʳ, and Mr. Samuel Wright, senʳ, both of Wethersfield, are impowred by this Assembly, with the advice of the selectmen of said Wethersfield for the time being, to sell and dispose of so much of the real estate of the said Isaac as they shall think needful, and improve the effects thereof for the comfortable subsistence of the said Isaac Griswold; and all the estate real of the aforesaid Isaac, which the said David Goodrich and Samuel Wright shall sell and dispose of, shall be a good estate of inheritance to the grantee, his heirs and assigns, to hold the same forever.

This Assembly being informed that there are many poor and indigent persons in the towns of Voluntown, Ashford, Willington, Stafford, Tolland, and Bolton, which by frost in the year past were generally cut short in their crops, and thereby are reduced to a suffering and almost a perishing con-

dition: for the relief of whom, This Assembly orders thirty pounds money to be drawn out of the publick treasury of this Colony, and to be delivered to Nathaniel Stanly and Ozias Pitkin, Esq^{rs}, who are hereby ordered to send to the several ministers or selectmen of said towns, except in Willington, and there to send to John Cady and Thomas Gennings, to inform said committee of such persons as are in a suffering condition; and said committee are hereby ordered to proportion said money to the several towns, according to their numbers and necessities; and said poor persons having a certificate from such minister, selectmen, or others, as abovesaid, may repair to said committee, who are hereby ordered to deliver unto him, or them, such support out of the money as they think fit.

Upon consideration of the petition of Thomas Lechmere of Boston, in the Province of the Massachusetts Bay, Esq^{r}, administrator on the estate of the Hon^{ble} Major General Wait Winthrop, late of Boston, aforesaid, Esq^{r}, deceas'd, preferred to this Assembly, shewing that there is no moveable or personal estate of the said deceas'd that can be found to pay the just debts due from that estate; that there is due from that estate the sum of three hundred fifty-six pounds, seven shillings and four pence, three hundred and eight pounds whereof is silver money due per bond, and no way to defray and pay the said debts unless this Assembly shall enable him, the said administrator, to sell some of the deceas'ds lands, thereby to procure money to pay said debts with the needful cost in selling the same; that there is in the county of New London, within this Colony, lands and real estate of said deceas'd sufficient: This Assembly do therefore give and grant to the said Thomas Lechmere, Esq^{r}, full power and authority to sell so much of the lands of said deceas'd, situate as aforesaid, as may produce money sufficient to pay the said debt with the necessary cost in selling the same; the petitioner taking the direction and advice of the superiour court in the sale thereof. And this Assembly do now enact and declare, that any deed or deeds by the said petitioner, pursuant to the true intent and meaning of this act, made and executed in due form, shall be good and effectual in the law for the firm and sure holding the same land to the purchaser or purchasers thereof, their respective heirs and assigns forever.

Upon the petition of Capt. Joseph Wright *v.* Israhiah Wetmore: Resolved by this Assembly, that John Hall, Hez. Brainerd, Nathan^{ll} Stanly, Esq^{rs}, or any two of them, be a committee with full power, at the charge of the petitioner, to run, settle, fix and ascertain, the north bounds of the said

petitioner's lot at the Newfield Quarter in Midletown, and make return thereof to the General Assembly in October next; and the bounds by them, or any two of them, so stated, fixed and ascertained, shall be and remain the north bounds of said lot; any law, usage or custom to the contrary thereof notwithstanding.

[540] Whereas it doth sometimes happen that the listers in the respective towns do forget to demand a list of the estates of some persons that by law ought to be entered in the general lists, so that thereby such estates are exempted from being rated: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any of the listers in the respective towns shall forget or neglect within the time ordered by law, to demand any persons list within the precinct whereto such listers are appointed, that then in every such case such listers shall, and are hereby required at any time in the same year before the first day of May next following, to demand such list of every person forgotten as aforesaid. And if any person of whom such list as aforesaid is demanded, shall neglect to bring in a true list of his or their estates unto the lister demanding, within five days after the demand, that then such listers shall make up a list for the person so neglecting, according to the best of their discretion, and return the same to the General Assembly. And all persons shall be accordingly assessed in the several rates to be made upon such list.

And it is further provided, That wherever any person or persons have been left out of the last years list, and are since discovered to the listers, that they are hereby directed to give warning to him or them to bring in the lists of their estates, which if they shall neglect to do for the space of five days after the warning given, the said listers shall proceed as is above provided for the time to come.

Upon consideration had of the petition of Mr. Benjamin Talcott and Capt. Thomas Wells of Glassenbury, executors of the last will and testament of the Reverend Mr. Timothy Stephens, late of Glassenbury, deceas'd, shewing to this Assembly that the said Mr. Timothy Stephens in his life time sold to Benjamin Abbey of said Glassenbury, two acres of land, bounded on land of Samuel Hale north, and a highway west, and land of Mr. Stevens south and east, and is forty rods long east and west, and eight rods broad north and south, for the sum of four pounds money, about fifty-five shillings of which sum was paid to said Mr. Stevens, who gave order for a deed to be drawn, but before the same was finished the said

Mr. Stevens departed this life, so that the said Benjamin Abbey is without remedy, unless relieved by this Assembly: This Assembly do thereupon fully authorize and impower the said Benjamin Talcott and Thomas Wells, to make, seal and deliver unto the said Benjamin Abbey a good and ample deed of said two acres of land; which deed, so made, shall be good, effectual and valid in the law, to the firm holding the same land with the appurtenances thereof unto him, the said Benjamin Abbey, his heirs and assigns forever.

A prayer being preferred to this Assembly by Joseph Cornish and Mary his wife, (who was late wife to Capt. Sam[ll] Humphreys,) for liberty to execute a deed of about twelve acres of land lying at a place commonly known by the name of Salmon Brook, and is more fully described in the petition aforesaid; which land the said Capt. Humphreys did in his lifetime bargain with and sell to Samuel Smith of Symsbury aforesaid; and, pursuant thereto, this Assembly grants liberty and impowers the said Joseph and Mary Cornish to execute a good and lawful deed of the premises to the said Samuel Smith, his heirs and assigns forever.

This Assembly grants, on the petition of Symon Mills *v.* Nathan[ll] Jones, that the petitioner have one more tryal of the action as prayed for, at the superiour court to be holden at Hartford in September next; and that on or before the first day of the session of said court, the respondent cause to be filed in the office of the clerk of said superiour court the award referred to, or the duplicate, that so the petitioner may have the benefit thereof in the tryal of said action; which if the said respondent shall refuse or neglect to do, according to the true intent thereof, that then the said superiour court shall enter up judgment in favour of the said petitioner to recover of the respondent the sum of twenty pounds, according to said bond, with the whole cost. *Cost allow'd petitioner is £2, 5s. 6d.*

[541] Whereas it is found by experience that the dividing the publick bills of credit of this government into quarters hath been detrimental to the publick and also to particular persons: For prevention hereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no quarter of any of the publick bills of credit shall pass or be accepted in any publick payment, either by the Treasurer of this Colony or any of the constables in the respective towns in this Colony, at any time after the first day of May next ensuing; except it shall be by way of exchange with the Treasurer.

Upon the memorial of Joseph Lewiss of Stratford, praying this Assembly to grant him a patent for two hundred acres of land at Weatauge on the west side of Owsatunnuck River; it being bounded west and north with country land, east with said river, and south with the land of Ruluff Deducker; said land being originally granted to Mr. John James, and by several conveyances made over and confirmed to said Lewiss: This Assembly grants that said Lewiss shall have a patent for the abovesaid two hundred acres of land, with the seal of the government affixt thereunto, and signed by the Governour and Secretary.

Ordered by this Assembly, That all the money that is in the hands of the sheriffs of Hartford and New Haven counties, that belongs to the publick treasury of this Colony, be forthwith delivered to the Treasurer of said Colony, taking the Treasurer's receipt for the same and lodging of it in the Secretary's office.

Upon the prayer of Anna Whiting and John Whiting of Hartford, administrators on the estate of Capt. Joseph Whiting, late of Hartford, deceas'd, shewing that the said Capt. Whiting did in his lifetime sell and convey by deed unto Samuel Cutler of Killingly, a certain tract or tracts of land in said Killingly: but the said Whiting dyed before the said deed was acknowledged; and thereupon moving to this Assembly that they, or either of them, may be impowred to execute a good and ample deed of said tract or tracts of land: This Assembly do hereby grant unto the said Anna Whiting and John Whiting full power to acknowledge and compleat the deed signed by the said Joseph Whiting in his life time of such tract or tracts of land above mentioned, and that the said deed being so compleated by the said administrators shall be as good in the law, to all intents and purposes whatsoever, as if the said deed had been executed and compleated by the said Joseph Whiting in his lifetime.

An Act to repeal an Act made in the ninth Year of King George, entituled An Act for paying the Money allowed by Law to Schools in Towns and Societies, to be paid by the Constables to the Committees or Selectmen in said Towns and Societies.*

This Assembly, observing that the law for paying the money allowed to schools to the committees or selectmen, doth occasion some difficulty in the audit, and some money is or may be by this means taken when no school is legally kept, do therefore now see cause to repeal said act, and it is hereby repealed and made void accordingly. Provided, that this act

*Vol. vi., 400.

shall not take place, nor be of force till the first day of October next.

Question upon the law of this government, entituled An Act to encourage the destroying wolves, &c.,* where it is said that if any person shall kill and destroy any grown wolf or wolves, catamount or panther, whether the said law intends by catamount or panther any other creature than a panther: Resolved by this Assembly in the negative.

Resolved by this Assembly, That for the future all posts imployed in the publick service shall be allowed five pence per mile out, and no more; and that parties or persons that are witnesses in civil or criminal causes shall also be allowed five pence per mile out, and no more, for their travel; always provided this act shall not be understood to extend to any other matter or person but to parties, posts and witnesses.

[542] Whereas there is in the hands of the Treasurer the sum of one thousand seven hundred twenty-nine pounds ten shillings and five pence half penny, of the quick stock brought into the treasury by sundry means,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said treasurer take four hundred pounds of the best and brightest of said bills for exchange, which he shall exchange (as there shall be occasion) for such torn and defaced bills as are brought to the treasury for exchange; and the remaining part of said sum, being one thousand three hundred twenty-nine pounds, ten shillings and five pence half penny, the said treasurer shall deliver towards the payment of the publick debts of this Colony and the necessary charges of the same; and he is hereby ordered to issue out and make payment thereof according to such orders as shall be given him from time to time, according to law.

Ordered by this Assembly, That the fifty-one pounds brought into this Court at their sessions at New Haven in October last by the Deputy Governour, and lodged in the hands of the secretary, be forthwith delivered to John Hooker, Esq^{r}, and Major John Burr, and immediately burnt by them.

Upon consideration had in this Assembly upon the memorial of Samuel Starr of Danbury, in the county of Fairfield, shewing to this Assembly that he received a counterfeit five pound bill of one Eben^{z} Seymor, and delivered the same to the Hon^{ble} Joseph Talcott, Esq^{r}, and that the said Seymor was brought to conviction by uttering and putting off the same,

*Vol. v. 406.

and praying this Assembly to grant him five pounds in lieu of said five pounds, and the twenty pounds by law allowed for those that inform against such offenders, and his necessary charges: This Assembly grant to the said Starr five pounds, to be taken out of the publick treasury of this Colony, in lieu of the five pounds counterfeited as aforesaid, delivered, &c., and no more.

Thomas Waterman, jun^{r}, of Norwich, having, in the hearing and in the presence of divers members of this Assembly, and other people, published, declared and said, that the Deputies (meaning the Representatives of said Assembly) were a parcel of rogues, and the worst of rogues, and that he would tell the Governour and whole Court so, and would tell the Governour he was a knave; he, said Waterman, upon a representation thereof made to this Assembly, was by order of the said Assembly arrested and brought before this Court to answer for the aforesaid misdemeanour; and upon examination had thereon, the said Waterman was found guilty of the facts charged against him, and was sentenced to pay a fine of five pounds to the publick treasury, with the charge of his prosecution; and as a farther penalty, this Assembly did disfranchize the said Thomas Waterman, and declare him disfranchized till such time as upon his well behaving himself and application to the superiour court, the said superiour court should remove the sentence of disfranchizement; and that he stand committed until the fine and charge aforesaid be paid; and the said Waterman having humbled himself before the Court, and in writing under his hand acknowledged the high indignity and affront which he had offered to the Crown of Great Britain by trampling upon and reviling the legislative power and authority of this his Majesties government and insolently aspersing the members of this Assembly, and thereupon humbly praying the favour and forgiveness of this Court: This Assembly, observing the penitent confession and submission of the said Waterman, do remit the fine and order him to be discharged.

Whereas at the General Assembly held at New Haven in October last, George Clark of Milford, a member of the Lower House in that Assembly, who was a person improved with others to receive and sort the bills of publick credit in the [543] treasurer's hands in May last, was had ‖ in suspition to have taken the bills of credit brought into the said Assembly by his Honour the Deputy Governour, out of the publick treasury without any warrant from the Assembly or other lawful order, the said Assembly in October last did thereupon

order that the said George Clark should appear before this Assembly at their present sessions, to answer for the great misdemeanour of which he was had in suspition, and at this Assembly the said George Clark appeared and pleaded not guilty, and was heard in his defence; and this Assembly having considered the evidence produced against him, [*do find*] that the said George Clark is not guilty, and that he should be discharged upon paying the cost of prosecution, allowed to be £4 15*s.* 8*d.*

Resolved by this Assembly, That there be allowed and paid to the judges of the superiour court the sum of one hundred and seventy pounds, for their salary, in lieu of any former allowance, to be equally divided among the said judges, allowing to the chief judge five pounds more than any of the rest in the division thereof.

And it is further resolved, That the fees paid to the said court shall go toward payment of said one hundred and seventy pounds, and what that will want of said one hundred and seventy pounds be paid out of the publick treasury.

Upon the petition of Daniel Bissell of Windsor, shewing to this Assembly that this Assembly held at Hartford May 14th, *anno Dom.* 1674, did grant to John Bissell of Windsor, father of the petitioner, one hundred acres of land; that the said land hath never yet been laid out, nor the said John Bissell nor his heirs ever taken any benefit by: This Assembly do appoint the surveyour of the county of Hartford to survey and lay out the said hundred acres of land in any of the ungranted land of this Colony, according to the said grant.

John Winthrop, Esq^{r}, being brought before this Assembly to answer for the contempt manifested in a protest exhibited to his Honour the Governour in Council in General Assembly convened, behaving himself insolently, contemptuously and disorderly, not suffering the Hon^{ble} the Governour to speak to him without continual interruption, and declaring himself to stand upon a par with the whole Assembly, that he was *coram non judice*, and that they had nothing to do to call him to an account for any contempts, affronts and indignities he had put on this his Majesties corporation, and threatning publickly in open court, that the writing which he had given in to the Governour at the head of the corporation, so full of reflection, and to terrify so far as in him lay all the authorities established by and by virtue of the royal charter from executing the laws of this corporation in matters relating to him, should by him be laid before the King and Council; and the said Winthrop being committed to the custody of the sheriff,

Joseph Pitkin, Esq^r^, the sheriff on the next day informed this Assembly that the said Winthrop in the night made his escape from his custody: It is considered by this Assembly that the said John Winthrop, for his high contempt in the words and behaviour aforesaid before this his Majesties Court, shall pay a fine of twenty pounds to the publick treasury of this Colony, and that the Secretary send execution to levy the same.

Proposed to the Committees of Hartford and Windsor.

That the whole tract of land claimed by said towns be equally divided between the government and said towns, in the following manner to be done.

1. That the government have the western side thereof, and said towns to have the eastern side thereof.

2. That Litchfield do not come into said division, but belong to the proprietors thereof.

3. That those lands disposed of to particular persons by the government, and what lands disposed of by said towns to Ben. Fairweather and to New Milford, do not come into the said division.

James Wadsworth, John Hall, Hez. Brainerd.

The above proposal made by James Wadsworth, John Hall and Hez. Brainerd, Esq'rs, to the committees of Hartford and Windsor, in reference to the western lands, the said committees having under their hands signified to this Assembly their acceptance of said proposal: Whereupon this Assembly do [544] accept of ‖ said proposal, and order said land to be divided between the government and said towns according to said proposal, and that said towns of Hartford and Windsor shall have a patent under the seal of the Colony, signed by the Hon^ble^ the Deputy Governour and Secretary, for the holding their part of said lands according to the said proposal; provided the said towns do by their committees release to the Governour and Company of this Colony all the right that said towns have in the half of said lands, as described in said proposal; and said patent and release to be executed (with all convenient speed) upon the dividing and bounding out of said land according to the said proposal. And James Wadsworth, John Hall and Hez. Brainerd, Esq'rs, or any two of them, are appointed to be a committee to joyn with such committees as the towns of Hartford and Windsor shall appoint, to make a division of said lands according to the above act.

A prayer being preferred to this Assembly by Hannah Morton of Symsbury, administratrix on the estate of Thomas Morton, late of said Symsbury, deceased, for liberty to sell the frame of an house and the eighth part of a saw-mill, as set

forth in said prayer: This Assembly thereupon grant liberty to the said administratrix to sell said premises, if they or any part thereof be not already inventoried. And it is ordered by this Assembly, said administratrix shall, upon the sale thereof, add the sum or sums of money thereby procured to the inventory of said estate, and present the same to the judge of the probates.

This Assembly, being sensible that the want of running the dividing line between the Colony of New York and this Colony is a great hindrance to the settling the north-west part of this Colony, and if longer delayed may occasion much contention, do therefore desire his Honour the Governour to press his Excellency Governour Burnett, to joyn with him in sending forth the Commissioners to perfect the running said dividing line according to the late agreement of the commissioners, and that the same be done as soon as may be.

A List of the Additional Estate returned to this Assembly, to be transmitted to the Treasurer and added to the List of Estates delivered in to this Assembly in October last.

Additions.	*l.*	*s.*	*d.*	*Fourfold assessments.*	*l.*	*s.*	*d.*
New Haven,	1546	01	4	New Haven,	438	12	4
Windham,	214	18	6	Preston,	468	00	0
Wallingsford,	261	03	0	Windham,	123	00	0
Farmington,	546	11	0	Wallingsford,	37	00	0
New London,	80	14	0	Lyme,	168	00	0
Greenwich,	175	00	0	Farmington,	307	04	0
Canterbury, fourfold,	877	15	0	Woodbury,	28	00	0
Lebanon,	54	02	0	Branford,	38	14	0
Stratford,	529	07	6	Symsbury,	178	00	0
Windsor,	1356	07	0	Norwich,	220	00	0
Symsbury,	423	15	0	Milford,	71	05	0
Norwich,	4	00	0	Fairfield,	956	19	0
Milford,	1148	12	4				
Killingsworth,	182	12	0				
Guilford,	108	00	0				
Fairfield,	414	11	9				

Upon consideration had in this Assembly on the pleas offered in bar of the petition of Richard Robbins *v.* Thomas Hancox, exhibited to the Assembly in October last and continued to this sessions: The question was put, whether the pleas are sufficient to bar the petition: Resolved in the affirmative. Cost allow'd said Hancox is £3 2*s.* 0*d.* *Cost paid to Mr. Stone, attorney to said Hancox, in court.*

[545] Upon consideration had in this Assembly on the petition of Eben^{z} Colman of Colchester, &c. *v.* Joseph Wright and the proprietors of said Colchester, exhibited to the Assembly in October last and continued to this sessions: The question was put, whether the prayer of said petition shall be granted: Resolved in the negative. Cost allow'd said Wright is £3 4*s.* 0*d.* *Ex. granted Nov.* 3*d*, 1726.

Upon consideration had in this Assembly on the petition of John Colt, &c. of Lyme, *v.* William Bordien of said Lyme: The question was put, whether the said petition shall be granted: Resolved in the negative. *Cost allowed said Bordien is* £1 19*s.* 0. *Ex. granted Octo.* 2*d*, 1727.

Upon consideration had in this Assembly on the petition of John Hide of Norwich and the proprietors at the west end of the town plat in Norwich *v.* John Waterman of said Norwich: The question was put, whether the prayer of said petition shall be granted: Resolved in the negative. *Cost allowed said Waterman is* £2 8*s.* 1*d.* *Ex. granted July* 19*th*, 1726.

Upon consideration had in this Assembly on the petition of Joseph Backus, &c. committee for Norwich, *v.* William Williams of Mortlake, on the pleas offered in abatement of said petition: The question was put, whether the said pleas are sufficient: Resolved in the affirmative. *Cost allow'd said Williams is* £1 5*s.* 11*d.*

Upon consideration had in this Assembly of the pleas offered in abatement of the petition of Paul Dudly, Sam^{ll} Morrice, &c. *v.* Joseph Levens, Joseph Cady, proprietors of Killingley: The question was put, whether the said pleas were sufficient to abate the same: Resolved in the affirmative. *Cost allowed said Levens and Cady is* £1 02*s.* 4*d.*

Upon consideration had in this Assembly on the petition of Benjamin Loomiss of Windsor *v.* Sarah Long of said Windsor: The question was put, whether the prayer of said petition shall be granted: Resolved in the negative.

Upon consideration had in this Assembly, on the petition of the town of Bolton *v.* Peter Buell, Tho. Porter, inhabitants of Coventry, of the pleas offered in abatement of said petition: The question was put, whether the said pleas are sufficient: Resolved in the affirmative. *Cost allow'd respondent is* £1 6*s.* 4*d.*

Upon consideration had in this Assembly, on the petition of the town of Windsor *v.* the town of Symsbury, of the pleas offered in abatement of the said petition: The question was put, whether the said pleas are sufficient: Resolved in the affirmative. *Cost allow'd respondents* £1 9*s.* 0*d.*

Upon consideration had in this Assembly on the petition of Anna Whiting and John Whiting, administrators on the estate of Capt. Joseph Whiting, late of Hartford, deceas'd, *v.* Sam[ll] and Isaac Graham, executors of the last will of Lt. Benjamin Graham, late of said Hartford, deceas'd: The question was put, whether any thing shall be granted on the prayer of the said petition: Resolved in the negative. *Cost allow'd respondents is* £1 8*s.* 0*d.* *Execution granted June* 10*th*, 1726.

Upon consideration of the petition of Sam[ll] Mather, Peletiah Mills, committee for the old society in Windsor, *v.* Joseph Barnard, for the new society at Poquannuck in Windsor: The question was put, whether any thing shall be granted on the prayer of said petition: Resolved by this Assembly in the negative. *Cost allow'd respondent is* £1 8*s.* 0*d.*

The petition of Benjamin Massey *v.* Benjamin Sittern, upon the motion of the parties, is continued till the sessions of this Assembly in October next.

[546] A Report of Roger Wolcott, James Wadsworth, Esq[rs], appointed a committee by this Assembly in October last, to hear the pleas of Capt. John Mason relating to his memorial then before the Assembly, and what hath been done on the part of this government, considered by this Assembly and approved, and ordered to be kept on file in the Secretary's office.

The memorial of the inhabitants of the parish of New Salem ordered by this Assembly to be continued till the sessions of the Assembly in October next, and that the parish notify the towns referred to in said memorial.

The petition of Izrahiah Wetmore concerning a ferry to be set up at Middletown: a further hearing and consideration thereof is deferred to the sessions of this Assembly to be holden at New Haven in October next, and that the petitioner notify the town of Middletown thereof.

Whereas by a multiplicity of business the sessions of this Assembly have been drawn out to a greater length than usual, and that the several members may more speedily return to their respective habitations,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That John Hamlin, Esq[r], Mathew Allyn, Esq[r], Roger Wolcott, Esq[r], John Hooker, Esq[r], Nathaniel Stanly, Esq[r], Capt. Thomas Seymor, Capt. Ozias Pitkin, Capt. Sam[ll] Mather, Capt. Thomas Stoughton, Col[o] David Goodrich, Mr. John Curtice, Capt. W[m] Wadsworth, Mr. John Hart, Mr. Thomas Kimberly, and Mr. David Hubbard, be and are hereby appointed a committee,

in the name and stead of this Assembly, to hear the records of this Assembly read off when the entries are fully made by the Secretary. And the said records, being so heard, shall be signed by the Secretary as perfect and compleat. And this Assembly is hereby adjourned until the Governour or Deputy Governour shall see cause to call them to meet again.

The whole records of the acts of the Assembly, as they stand entered in the pages next preceding, was read in the presence of [the] aforenamed committee, and by them ordered to be signed as perfect and compleat.

HEZ. WYLLYS, Secret'y.

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[260] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD, ON THE 27TH DAY OF MAY, ANNO DOM. 1726.

Present,

The Honourable Joseph Talcott, Esq., Governour.
The Honourable Jonathan Law, Esq., Deputy Governour.

John Hamlin,
Matthew Allyn,
Roger Wolcott,
James Wadsworth,
Christopher Christophers,
Hezekiah Brainerd,
Nathaniel Stanly,
Joseph Whiting,
} Esq^rs, *Assistants.*

Then Mr. Jabez Huntington was propounded to be Sheriff in the county of Windham, and approved.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD, MAY 31st, 1726.

Present,

His Honour the Governour.

John Hamlin,
Matthew Allyn,
Samuel Eells,
James Wadsworth,
C. Christophers,
Hezekiah Brainerd,
John Hooker,
Nathaniel Stanly,
Joseph Whiting,
} Esq^rs, *Assistants.*

Pursuant to an act of the General Assembly held at Hartford, May 14th, 1724, intituled An Act for better regulating the office of sheriff and safe custody of prisoners, Mr. Jabez Huntington, being nominated and approved by the Governour and Council at Hartford on the 27th instant May, to be sheriff of and in the county of Windham, he now appeared in Council with his sureties, Mr. John Woodward of Lebanon and Mr. Richard Abbey of Windham, and accepted of said office, and with his sureties aforementioned became bound in a recognizance as followeth, viz:

Jabez Huntington, John Woodward, and Richard Abbey, do acknowledge themselves bound to the publick treasurer of the Colony of Connecticut in a recognizance of two thousand pounds, that the said Jabez Huntington shall be faithfull in the administration of his office of sheriff of the county of Windham, and answer all such damages as any persons may sustain by his unfaithfullness or neglect of the same.

At a Meeting of the Governour and Council in Hartford, June 1st, 1726.

Present,

The Honourable Joseph Talcott, Esq., Governour.
The Honourable Jonathan Law, Esq., Deputy Governour.

John Hamlin,
Samuel Eells,
Matthew Allyn,
James Wadsworth,
C. Christophers,
Hezekiah Brainerd,
John Hooker,
} Esq^rs., *Assistants.*

Upon consideration of the petition of Andrew Burr of Fairfield, shewing that in September last was twelvemonth, at Fairfield when execution was to be done on a great offender, Jonathan Sturgiss of Fairfield, Esq., urging the superiour court then there sitting, to discharge him from his office of a sheriff and another person in his room to place and constitute, and desiring the said Burr to take a deputation from him and ease him of the present difficulty and of the whole burthen of his office, on the encouragement given him by the honourable superiour court to promote his advancement to the sheriff's office [261] for the county of Fairfield, ‖he did undertake and perform the service aforesaid; and the reason why he has neglected to this time to move for said office hath been from the said Sturgiss desiring by a letter to the judge of the superiour court that the matter may be delayed till his year was up: This board propounded the said Andrew Burr to be Sheriff of and in the county of Fairfield and approved.

At a meeting of the Governour and Council in Hartford, June 2d, 1726.

Present,

The Honourable Joseph Talcott, Esq., Governour.
The Honourable Jonathan Law, Esq., Deputy Governour.

John Hamlin,
Samuel Eells,
Matthew Allyn,
Nathaniel Stanley,
Joseph Whiting,
} Esq^rs., *Assistants.*

Pursuant to the act of the General Assembly held at Hartford, May 14th, 1724, intituled An Act for better regulating the office of sheriff and safe custody of prisoners, Andrew Burr, being nominated and approved by the Governour and Council in Hartford on the 1st of June instant to be sheriff in the county of Fairfield, he now appeared in Council with his sureties, Capt. Thomas Hill of Fairfield and Mr. John Lyon of Greenwich, and accepted of said office, and with his sureties became bound in a recognizance, as followeth, viz:

Andrew Burr, Thomas Hill and John Lyon, do acknowledge themselves bound to the publick treasurer of the Colony of Connecticut in a recognizance of two thousand pounds, that the said Andrew Burr shall be faithful in the administration of his office of sheriff of the county of Fairfield, and answer all such damages as any person may sustain by his unfaithfulness or neglect of the same.

At a meeting of the Governour and Council in Hartford, June 6th, 1726.

Present,

Joseph Talcott, Esq., Governour.

John Hambling,
Matthew Allyn,
Roger Wolcott,
John Hooker,
Ozias Pitkin,
Thomas Kimberly,
} Esq^rs., *Assistants.*

A bill of cost for Seybrook of charges upon one Wm. Lewis, a transient person that lay sick and died at Seybrook, was allowed, of the sum of 15*l.* 19*s.* 00; and order thereupon was given into the treasury, and paid, October, at New Haven, to Samuel Lines, Justice of the Peace.

At the same meeting was also allowed a bill of charge for expence upon the said Lewiss at Norwich, to the sum of forty-five shillings and nine pence; for payment thereof orders to the treasurer to pay said sum to Mr. Joseph Beckas of Hartford, Nov. 19th, 1726.

At a meeting of the Governour and Council in Hartford on the 14th day of July, Anno Dom. 1726.

Present,

His Honour the Governour.

Mathew Allyn,
Roger Wolcott,
Nathaniel Stanly, } Esq^rs., *Assistants.*

Capt. Hezekiah Wyllys,
Mr. John Austin.

Whereas, Ann Davisson, widow of Peter Davisson, and Daniel Davisson, have informed to this board that Peter Davisson, an idiot son of said Peter Davisson, deceased, is now in a perishing condition at Mansfield, and that the said Ann Davisson hath not estate to subsist said idiot, and there is great doubt where is the place of his last [262] legal settlement, and no court appointed in the law ‖ to which they may apply themselves for a final determination thereof: It is thereupon considered by his Honour the Governour, in Council, that the said Daniel Davisson take care of and support the said idiot until the General Assembly in October next; and the said Daniel Davisson is directed to make application to the said Assembly for their resolution unto what town the said idiot belongs. And it is resolved that the said idiot his living at Mansfield according to this order shall not be construed any way to the disadvantage of the town of Mansfield.

At a meeting of the Governour and Council at Hartford, Aug. 16th, 1726.

Present,

The Honourable Joseph Talcott, Esq., Governour.

Roger Wolcott,
Nathaniel Stanly, } Esq^rs., *Assistants.*

Ozias Pitkins, Esq., *Justice Peace.*
Hezekiah Wyllys,
Robert Sanford.

A petition signed per David Goodrich, Stephen Mix, and five other proprietors of certain wet lands lying in their propriety, described in the petition, praying that a commission of sewers may be granted for draining said wet lands, was read; and—Voted, that a commission of sewers be thereupon granted.

Voted, That Messrs. Thomas Wright, John Curtice, and Elizur Goodrich, of Wethersfield, or any two of them, be commissioners, and that his Honour the Governour give them a commission accordingly.

At a meeting of the Governour and Council at Hartford, Aug. 16th, 1726.

Present,

The Honourable Joseph Talcott, Esq., Governour.
Roger Wolcott, Esq., *Assistant.*
Col. David Goodrich, *Justice Peace.*
Ozias Pitkin, *Justice Peace.*
Capt. Jos. Wadsworth,
Lt. Robert Sanford.

A petition signed Nathaniel Stanly, Hezekiah Wyllys, Joseph Bigelow and eight other proprietors of certain wet lands lying in their propriety, described in said petition, praying that a commission of sewers may be granted for draining said wet lands, was read; and—Voted, that a commission of sewers be thereupon granted.

Voted, That Messrs. Thomas Seymor, John Whiting, and Zac. Seymor, of Hartford, or any two of them, be commissioners, and that his Honour the Governour give them commission accordingly.

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[263] At a meeting of the Governour and Council in Hartford, Septem. 14th, 1726.

Present,

The Honourable Joseph Talcot, Esq., Governour.
The Honourable Jonathan Law, Esq., Deputy Governour.

Samuel Eells,
Mathew Allyn,
Roger Wolcot,
James Wadsworth,
Christopher Christophers,
John Hooker,
Nathaniel Stanly,
} Esq^rs., *Assistants.*

Mr. Joseph Pitkin, sheriff of the county of Hartford, reported to this board the disadvantages that attended him in sustaining the office of sheriff in the said county of Hartford, and moved to be discharged from that office, and that some suitable person might be appointed in his stead.

It is thereupon resolved, That Mr. Joseph Baccus of Hartford shall be sheriff, and he is accordingly hereby appointed sheriff of the said county of Hartford; provided he find sufficient sureties and become bound as the law directs. And his Honour the Governour is desired to commissionate him accordingly. And that upon the said Baccus's receiving his commission, the former sheriff, Mr. Joseph Pitkin, shall be discharged from the office of sheriff for the said county, and his Honour the Governour is desired to discharge him accordingly.

At a meeting of the Governour and Council at Hartford, Septem. 15th, 1726.

Present,

The Honourable Joseph Talcot, Esq., Governour.
The Honourable Jonathan Law, Esq., Deputy Governour.

Samuel Eells,
James Wadsworth,
Christopher Christophers,
John Hooker,
Nathaniel Stanly,
} Esq^rs., *Assistants.*

Mr. Joseph Baccus of Hartford, being appointed sheriff of the county of Hartford, in the room and stead of Mr. Joseph Pitkin, the said Baccus presented himself in Council, together with his sureties, Mr. John Edwards and Mr. Thomas Hooker, freeholders in the county aforesaid, of good and sufficient estate, to become bound with him [264] pursuant to an act of the General ‖ Assembly holden at Hartford the 14th day of May, 1724, entituled An Act for the better reg ulating the office of sheriff, and safe custody of prisoners.

And the said Joseph Baccus, John Edwards and Thomas Hooker, do acknowledge themselves to stand bound jointly and severally in a recognizance of two thousand pounds to the treasurer of this his Majesties Colony of Connecticut, that the said Joseph Baccus shall well and truly perform the duties belonging to the sheriff's office in the county of Hartford, and pay all damages which any person or persons may suffer by his unfaithfullness or neglect in the same.

Whereupon the sheriff's oath appointed by the law of this colony was administred to the said Mr. Baccus.

A petition signed per Samuel Mather, Jr., Simon Chapman, Jonathan Elsworth, and fourteen others, proprietors of a large tract of land lying in Windsor, on the west side the great river, on the west side of the great meadow, two miles in length, which is cold, moist land, filled with large ponds of standing water; praying that a commission of sewers may be granted, as in such cases the law directs, was read, and thereupon,

Resolved, That Messrs. Jonathan Styles, Israel Stoughton, and Lieut. Jonathan Elsworth, of Windsor, or any two of them, be commissioners for that end, and that his Honour the Governour be desired to give them a commission accordingly.

[547] *CONNECTICUTT COLONY.*

At a General Assembly holden at New Haven, in his Majesties Colony of Connecticutt in New England, on the 13th day of October, in the thirteenth year of the reign of our sovereign lord, George, of Great Britain, &c., King, Annoque Dom., 1726.*

Present at this Assembly,

The Hon^ble^ Joseph Talcott, Esq^r^., Governour.
The Hon^ble^ Jonathan Law, Esq^r^, Deputy Governour.

John Hamlin,	Esq^rs^.	C. Christophers,	Esq^rs^.
Samuel Eells,		Hez. Brainerd,	
Mathew Allyn,		John Hooker,	
Roger Wolcott,		Nath. Stanly,	
Ja. Wadsworth,		Joseph Whiting,	
John Hall,		Joseph Wakeman.	

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz.:

Capt. John Munson, Capt. Isaac Dickerman, for New Haven.
Capt. James Rogers, Capt. Josh. Hempstead, for New London.
Mr. Sam^ll^ Lynde, Mr. Steph. Whittlesey, for Seybrook.
Mr. Thomas Adgatt, Mr. W^m^ Hide, for Norwich.
Capt. John Sabin, Mr. Leict^r^ Grovsvenor, for Pomfrett.
Col^o^ David Goodrich, Mr. John Curtice, for Wethersfield.
Capt. Jonath. Westover, Capt. Benja. Addams, for Symsbury.
Mr. Benja. Skinner, Mr. Hez. Gayler, for Hebron.
Mr. Richard Ely, Capt. John Colt, for Lyme.
Capt. Joseph Hawley, Mr. Isaac Cowles, for Farmington.
Capt. Jonath. Hoitt, Mr. Joseph Bates, for Stanford.
Mr. John Gregory, Mr. Joseph Gregory, for Danbury.
Capt. Theoph. Yale, for Wallingsford.
Capt. James Brainerd, for Haddam West.
Capt. Tho. Huntington, Mr. Experience Porter, for Mansfield.
Capt. John Osborn, Mr. John Lockwood, for Fairfield.
Mr. James Morgan, Mr. Eben^z^ Avery, for Groton.
Capt. Joseph Platt, Mr. Sam^ll^ Cumstock, for Norwalk.
Mr. Tho. Kimberly, Capt. Thomas Wells, for Glassenbury.
Capt. Nath^ll^ Harrisson, Capt. John Russell, for Branford.
Mr. Izariah Wetmore, Capt. W^m^ Savage, for Midletown.
Mr. Joseph Levins, Mr. Sampson How, for Kellingley.
Capt. Joseph Wright, Mr. Nath^ll^ Foot, for Colchester.

* The Journal of the Lower House is defective.

Capt. Ebenᶻ Cary, Mr. Jabez Huntington, for Windham.
Mr. Caleb Leet, Mr. Peletiah Leet, for Guilford.
Capt. Thomas Stoughton, Capt. Thomas More, for Windsor.
Capt. Joseph Marsh, Capt. John Woodward, for Lebanon.
Capt. John Riggs, for Derby.
Capt. Thomas Gates, for Haddam East.
[548] Mr. Samˡˡ Brunson, Mr. John Bostwick, for New Milford.
Mr. John Ames, Mr. Caleb Fobes, for Preston.
Mr. Wᵐ Seward, Mr. Tho. Lyman, for Durham.
Capt. Timᵒ Peirce, Mr. Edwᵈ Spaulding, for Plainfield.
Mr. John Hopkins, Mr. Joseph Lewiss, for Waterbury.
Mr. Peter Buell, Mr. Tho. Porter, for Coventry.
Mr. David Buell, Mr. John Stephens, for Killingsworth.
Capt. James Lewiss, Mr. John Wells, for Stratford.
Capt. Caleb Knapp, Mr. Gersh. Lockwood, for Greenwich.
Mr. Samˡˡ Butt, Mr. Solom. Tracy, for Canterbury.
Capt. Roger Newton, Mr. John Fowler, for Milford.
Capt. Wm. Preston, Capt. Joseph Minor, for Woodbury.
Mr. Thomas Kimberly, Speaker, } of the House of Repre-
Capt. John Russell, Clerk, } sentatives.

This Assembly do establish and confirm Mr. William Ward of Wallingsford to be Captain of the east company or trainband in the town of Wallingsford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Hall of Wallingsford to be Lieutenant of the east company or trainband in the town aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Gideon Ives of Wallingsford to be Ensign of the east company or trainband in the town of Wallingsford aforesaid, and order that he be commissioned accordingly.

This Assembly do appoint Nathaniel Stanly and Joseph Whiting, Esqʳˢ, Mr. John Curtice, Mr. John Fowler, Mr. David Buell, Capt. Joseph Platt, and Mr. Jabez Huntington, to receive, sort and count the votes brought into this Assembly for the election in May next, and make report thereof to this Assembly.

A Question arising upon an act entituled An Act concerning free trade, on the following words in the last paragraph, viz. That all persons that come to trade in this Colony that are not inhabitants, Whether by all persons is to be understood all persons in general, without exception: Resolved in the negative.

And it is further hereby enacted and declared, by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That by all persons, hath, is, and shall be understood only those who come into this Colony out of some of the neighbouring governments.

This Assembly appoint Mr. Nathaniel Cheeseborough Justice of the Peace in the county of New London.

This Assembly do establish and confirm Mr. Isaac Merrells of Hartford to be Lieutenant of the company or trainband at the West Division of lots in the town of Hartford aforesaid, and order that he be commissioned accordingly.

[549] This Assembly do establish and confirm Mr. Henry Bracy of Hartford to be Ensign of the company or trainband at the West Division of lots in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Sam[ll] Griswold of Symsbury to be Lieutenant of the north company or trainband in the town of Symsbury aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Brewster Higley of Symsbury to be Ensign of the north company or trainband in the town of Symsbury aforesaid, and order he be commissioned accordingly.

This Assembly grants a rate of three pence on the pound on all the polls and rateable estate in this government, to be paid into the treasury in the bills of credit of this Colony with the usual advance of twelve pence on the pound; or in the good bills of credit of four signers of the Massachusetts Bay, or in the bills of credit of New York, without advance on them; or in silver money as it passeth in the country.

Upon the petition of Joseph Talman, administrator on the estate of Doctor Charles Acourt late of New London deceas'd: This Court grants liberty to the said Joseph Talmon, with the advice and direction of the court of probates in New London, to sell so much of the real estate of the said deceas'd as will be sufficient to pay the sum of one hundred and forty-two pounds four shillings and four pence together with the necessary charges arising thereupon.

Upon the petition of Martha Attwood of Stonington, executrix on the estate of Thomas Attwood late constable of said Stonington deceas'd: This Court fully impowers and authorizes the present constable of Stonington, (who is to collect the country rates for this present year,) to collect or gather in the arrearages or outstanding country rates, which in the

whole or in part are still unpaid, of the years 1722, 1723 and 1724, and being so collected the said constable is to make payment thereof to the said Martha Attwood; and that the said constable shall be paid for his service therein by the said Martha Attwood, over and above the fees allowed by law for collecting the country rates, four pence on the pound; and that a warrant be granted to the said constable, signed by the Secretary, to enable him so to do. Always provided, if any person or persons that shall have such rate demanded shall make oath before any lawful authority, that he or they have paid any of the said rates in whole or in part, it shall be a sufficient evidence that so much is paid, and shall only be accountable for what is still remaining.

An Act in Addition to the Law entituled An Act to enable Creditors to recover their just Debts out of the Estate or Effects of their absent or absconding Debtors, made May, 1726, and for repealing one Paragraph in said Act.

Whereas by the law of this Colony made by the General Assembly held in Hartford the 12th day of May, 1726, enti-
[550] tuled An Act to enable creditors to || recover their just debts out of the estate or effects of their absent or absconding debtors, in the last paragraph of said law it is enacted that every person taking a power of attorney from any person that is not an inhabitant in this Colony shall record the same in the county records in the county where the attorney doth live, before he doth commence any action or suit in behalf of his principal,

It is now enacted and declared by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said paragraph in said law shall be repealed, and it is hereby repealed and made void.

And it is hereby enacted by the authority aforesaid, That at all times hereafter, when any person not being an inhabitant in this Colony shall bring any action or suit whatsoever to any court within this Colony, either by a writ, or appeal, or review, or any other way whatsoever, the clerk of the said court shall in his making entry in the records of the court, the action, cause, matter or thing, brought by any stranger, and shall enter by whom or what attorney he did appear; and when any clerk of any court shall make entry of any attorney appearing for any stranger as aforesaid, the said records of said court, or a copy thereof, shall be as good evidence in law that he was the attorney for said stranger as though said paragraph had remained of force and had not been repealed, and his power of attorney had been recorded at large in the county records where said attorney did live.

This Assembly observing that fenceviewers are sometimes in doubt by what law or rule they are to be guided in determining fence to be sufficient or insufficient: Which to avoid, *Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That whensoever and so often as any fenceviewers shall, on occasion of any cattle or other creatures being impounded as damage feasant, be called to pass their judgments on the sufficiency of the fence inclosing the lands from whence said cattle or other creatures were impounded, they shall adjudge that fence to be sufficient which they shall find to be as effectual against the creatures impounded as a five rail fence four foot high and well erected, mentioned and provided in the law intituled An Act concerning common fields and fences, would have been.

And it is further provided, That notwithstanding the said fence being in some place or places not fully answerable to the five rail fence aforesaid, yet if it be made to appear to the said fence viewers that the creatures did not enter the enclosed lands at the deficient place, but over some place which was sufficient as aforesaid, then they shall in that case declare the fence to be sufficient; any law, usage or custom to the contrary notwithstanding.

Upon the memorial of James Wadsworth, John Hall and Hez. Brainerd, Esq^{rs}: This Assembly grants to each of them one hundred acres of land, to be laid out in the westward ungranted lands of this government, to be laid out in one entire piece next adjoyning to the north or south sides, viz. the [551] whole three || hundred acres; which respective grants are in consideration of their good service done to the government.

The Gentlemen nominated to stand for Election in May next, sent in by the Freemen of this Government to this Assembly.

The Hon^{ble} Joseph Talcott, Esq^{r}, the Hon^{ble} Jonathan Law, Esq^{r}, John Hamlin, Esq^{r}, Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Roger Wolcott, Esq^{r}, James Wadsworth, Esq^{r}, John Hall, Esq^{r}, Christopher Christophers, Esq^{r}, Hez. Brainerd, Esq^{r}, John Hooker, Esq^{r}, Joseph Wakeman, Esq^{r}, Nathaniel Stanly, Esq^{r}, Joseph Whiting, Esq^{r}, Capt. Ozias Pitkin, Capt. Timothy Peirce, Capt. James Rogers, Major John Burr, Mr. Sam^{ll} Bishopp, Mr. Warham Mather.

An Act to prevent Tryals before Justices remote from the Parties.

Complaint being made to this Assembly, that it is too frequently the practice of some ill minded persons, to take the

liberty they suppose the law doth give them to vex their neighbours, by sueing them before the remote justices in the same county: Which to prevent,

It is now enacted and declared by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all suits, demands and prosecutions whatsoever, cognizable before any justice of the peace, or assistant, or other higher civil officer, (who are hereby endowed with the full and ample authority of justices of the peace,) shall be made and prosecuted before such authority as aforesaid, in those towns only where the plaintiff or defendant dwells; unless there be no authority which may lawfully try the cause in the towns where the plaintiff or defendant dwelleth, in which case the plaintiff may apply himself to the justices in one of the next adjoyning towns to the place of his abode.

An Act for adjourning the Superiour Court by one or two of the Judges, or by the Sheriff in Certain Cases.

It being represented to this Assembly by the honourable the judges of the superiour court, that many times it happens in the circuit that they are much exposed to difficulties to save the session of the court at the time appointed, by reason of the necessity the law putteth upon them to have a quorum of the judges on the spot for opening the court and adjourning it: Which inconveniency to prevent,

It is enacted and ordained by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future any two or one of the judges of the superiour court, being on the spot for the opening of the superiour court, shall have full power and authority to open and adjourn the said court.

And it is further provided, That if all the judges of the said court shall be providentially hindered, or shall not be there, that it shall be the duty of the sheriff of the county, and he is hereby authorized and impowred, to adjourn the said court by proclamation to the next day, till the judges [552] may arrive at the place; and all parties concerned in the said court are to take notice thereof accordingly.

A List of the several Towns of this Colony, sent in to this Assembly.

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Guilford,	20367	4	8	Farmington,	16126	7	0
Lebanon, South Society,	13875	15	4	Hebron,	5490	7	0
				Glassenbury,	6528	19	0
Symsbury,	7999	6	6	Canterbury,	6229	1	6
Mansfield,	5817	0	6	Plainfield,	6532	14	0

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Stanford,	16815	8	6	Pomfrett,	6474	0	0
Kellingly,	5302	10	0	Haddam East,	8801	14	0
Stratford,	22620	11	0	Kellingsworth,	7380	15	9
Midletown,	19376	17	0	Groton,	12423	14	6
Wethersfield,	19654	18	6	Stonington,	14716	7	7
Durham,	6028	18	6	Milford,	22279	10	7
New London,	16829	00	0	Danbury,	7582	7	0
Wallingsford,	18177	13	0	Woodbury,	7988	5	0
Preston,	9847	9	6	Branford,	13719	17	8
New Milford,	2814	18	6	Waterbury,	4002	7	8
Haddam West,	5439	01	6	Colchester,	10482	3	0
Norwalk,	16118	17	10	Coventry,	4494	7	6
Windham,	10709	9	0	Windsor,	21301	16	0
Derby,	5213	18	6	Seybrook,	12234	16	6
Greenwich,	9677	2	0	New Haven,	32221	15	6
Hartford,	26880	10	6	Norwich,	19680	13	6
Fairfield,	24962	12	3	Lyme,	12966	10	2

Upon the news of the Indian enemy coming down toward our frontiers: Resolved by this Assembly, that there be forthwith thirty effective men raised in the towns of New Haven and Wallingsford, to march forthwith to Litchfield, to be under the direction and command of Capt. John Marsh of Litchfield, for the defence of said Litchfield; twenty of which to be raised in New Haven, and ten in Wallingsford; and that a sergeant march with them directly from each of said towns; and that the major of the county make out his orders to the respective captains in said towns accordingly.

Upon intelligence of the Indian enemy coming toward our frontiers: Resolved by this Assembly, that twenty effective men be forthwith raised in the town of Milford, with a sergeant, and march forthwith to New Milford, to be under the command of Capt. Stephen Nobles, to be improved for the defence of said town; and that the major of the regiment of New Haven forthwith make out the necessary orders therefor.

Resolved by this Assembly, That Capt. John Marsh and Capt. Stephen Nobles forthwith send, each of them, a small scout at their discretion into the woods, to call, and in the name of this Assembly to command, all our friend Indians to retire to the respective towns or places where they belong, and that they may not be seen in the woods except in company with Englishmen.

[553] *Resolved by this Assembly*, That if his Honour the Governour, with advice of his Council, shall imploy any of our friend Indians in the defence of our frontiers or scouting,

such Indians shall have eighteen pence *per diem* for scouting, and twelve pence *per diem* for warding or keeping garrison in any town.

Resolved by this Assembly, That five men be sent out of the town of Woodbury to the village called Shippaug, for the safety of the people there until the present supposed danger be over, or until they receive further orders from the Governour or other superiour officer: And Captain Joseph Minor and Capt. Preston of said Woodbury are ordered to send their directions to their lieutenants to put this order in practice forthwith. And that the said souldiers so sent to Shippaug shall be under the conduct and command of Lt. Ephraim Warner.

Whereas this Assembly being informed by the petition of several of the inhabitants of Rye living near the Colony line, that there was a highway laid out at a place commonly called the Saw Pitts, which is a landing place; thence running by Byram Ridge four rods wide by marked trees to Brundiges field and [for] conveniency of the way ten rods wide by marked trees; thence four rods wide by marked trees to a place called Buckhorns Brook; then running up the west side of the Colony line until it came to a place called Ivy Swamp, then crossing the Colony line on the [east side of the] Ivy Swamp by marked trees until it cross the Colony line again; thence runneth on the west side of the Colony line until it cometh beyond Henry Hitts, then crossing the Colony line running on the east side by marked trees until it cross the Colony line near half a mile above John Clapps; thence runneth on the west side of said line by marked trees to the eight mile stake. It is to be understood that the road from the abovesaid Buckhorns Brook to the said eight mile stake is laid out four rods wide; which road aforesaid was surveyed and laid out in February 171_{5}, by John Hoytt and John Stephenson, all which will appear from the records of the county of Westchester, a copy of which records is lying now before this Assembly, well attested by the clerk of said county; and said highway being laid out as aforesaid, a considerable part of said highway falls within this Colony, and the said gentlemen laying out said highway, and not having any power from this government, neither by any act of Assembly or any law therein; and that said highway, that part of it as is in this government, may be deemed and judged an highway under the regulation of the laws of this Colony, and to be kept and maintained in good repair, as all other highways in this Colony are:

It is hereby enacted by the Governour, Council and Represent-

atives, in General Court assembled, That the said highway, that part of it as is in this government, shall be judged and holden to be a lawful highway, and shall be kept and maintained as a good and lawful highway.

And it is hereby enacted by the authority aforesaid, That for the better regulation of the inhabitants on the slip of land [554] lying between || the township of Greenwich and the Colony line dividing between the Province of New York and this Colony, shall be annexed, and is hereby annexed, to the township of Greenwich and county of Fairfield.

Whereas this Assembly did, October the 14th, 1725, grant a tax of one penny on the acre on all the lands of the north society in Guilford, for the space of four years: This Assembly do hereby appoint and impower Mr. Thomas Gould of said society, to gather and collect said tax for the space of four years ensuing. And if any person or persons that have any land or lands in said society shall neglect or refuse to pay his or their particular part or share of said tax as in said act is expressed, that then said collector is hereby fully impowred to distrain of the goods or estate of any person or persons so neglecting or refusing, by a writ from an assistant or justice of the peace directed to said collector, which said collector is hereby impowred to act as sheriffs and constables are, in the collecting of rates and taxes.

Upon the petition of Paul Dudley and William Dudley, both of Roxbury, Josiah Wolcott of Salem, and John Smith of Boston, on the behalf of Major Robert Thompson of London, all in the Province of the Massachusetts Bay, and Samuel Morriss, living near Woodstock, in the Colony of Connecticut, praying for a grant of this Court for a patent for several tracts of land granted to them and those under whom they hold by the Colony of the Massachusetts, and allowed and confirmed by the acts of this Court upon and in order to the settling the line between that Colony and this: The agents for the proprietors of the town of Killingly being cited, appeared and pleaded in opposition to the petitioners, that the said lands were within the township of Killingly and comprized within their patent; and the petitioners, by their attorneys, and the said agents of Killingly were heard thereupon: Whereupon it is resolved by this Assembly, that patents be granted for all the said tracts of land, to be executed by the Hon^{ble} the Governour and Secretary, for those tracts of land for which they shall to the Hon^{ble} the Governour shew grants and surveys made by the Colony of the Massachusetts and confirmed by this Colony as aforesaid.

Resolved by this Assembly, That a message be sent to Mr. John Whiting, Treasurer of this Colony, at Hartford, directing him to attend here on Wednesday the 26th instant, at farthest, and bring with him such sum of money out of the publick treasury as shall be sufficient to pay the salaries and defray the charge of this Assembly in their present sessions.

This Assembly do establish and confirm Mr. Andrew Sanford of Milford, to be Captain of the first company or trainband in the town of Milford aforesaid, and order that he be commissioned accordingly.

[555] This Assembly do establish and confirm Mr. James Fenn of Milford, to be Lieutenant of the first company or trainband in the town of Milford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Farrand, of Milford, to be Ensign of the first company or trainband in the town of Milford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Wells, of Wethersfield, to be Captain of the Troop in the county of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Whiting, of Hartford, to be Lieutenant of the Troop in the county of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr Jonathan Wells, of Hartford, to be Cornet of the Troop in the county of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Stillman, of Wethersfield, to be Quartermaster of the Troop in the county of Hartford, and order that he be commissioned accordingly.

Upon the prayer of Robert Collins, of Middletown: Granted that he be exempted out of the publick list of estates for his poll, and he is hereby exempted.

This Assembly appoint Capt. John Sabin, of Pomfrett, Major of the Regiment in the county of Windham, and order that he be commissioned accordingly, taking the oath provided by law.

Upon the petition of Nathaniel Goodwin, Jonathan Butler and Sarah Easton, all of Hartford, in the Colony of Connecticutt, as they are administrators of the estate of John Easton, late of Hartford, deceas'd, and Richard Burnham, junr, of said Hartford, setting forth to this Assembly that the said deceas'd, in his lifetime, did bargain and fully agree with the said Burn-

ham that he, said deceas'd, would give said Burnham a good deed of conveyance, well executed, of about five acres and one rood of meadow land, lying and being on the east side of the great river in Hartford, as it abuts south on a highway and east on land of Thomas Spencer and the heirs of Richard Case, and north on land of James Olmstead, and west on his, said deceas'd's, land; and in consideration of said meadow, he, said deceas'd, was to have of said Burnham about two acres of upland, and five pounds ten shillings money; which upland lyeth in Hartford on the east side of the great river, as it abuts south on a highway and east on land of Mr. Woodbridge, and north on land of John Meakins, and west on said Burnham's own land, at a place where the divident fence now standeth; and the said deceas'd did, in his life time, enter into said upland, and built an house and barn thereon, to the value of one hundred and fifty pounds; and said deceas'd being suddenly taken away by death, before that there was deeds of conveyance given for the lands aforesaid by either party, and there being now no person living that can give a deed for said five acres and one rood of meadow, unless this Assembly will impower some suitable person or persons to give [556] a good deed for the same; || and thereupon said petitioners pray this Assembly would impower some suitable person or persons to give a good deed for the said five acres and one rood of meadow to said Burnham: In consideration whereof, this Assembly authorize and impower the aforesaid Nathaniel Goodwin, Jonathan Butler, and Sarah Easton, to give a good and ample deed of conveyance of said five acres and one rood of meadow, butted and bounded as aforesaid, well executed by them according to law, to the said Burnham, his heirs and assigns forever; and he, said Burnham, shall, by his deed well executed according to law, convey and make over the said two acres of upland, butted and bounded as aforesaid, to all the heirs of said deceas'd, their heirs and assigns forever. And it is hereby resolved by this Assembly and the authority thereof, that the deed which shall be given by said Goodwin and Butler, and Sarah Easton, to the said Burnham, for the said five acres and one rood of meadow, and also the said deed which shall be given by said Burnham for said two acres of land to the heirs of said deceas'd, shall be holden good and effectual in the law to each and all the aforesaid grantees, for their sure and firm holding of the premises which shall be conveyed to them in said deeds, to them, their heirs and assigns forever; any other law, usage, or custom, to the contrary notwithstanding.

An Act for Reviving one certain Law of this Colony (entituled An Act for Amendment of the Law, providing Auditors shall be appointed in Actions of Account, &c., and for Amending the Writ upon Pleas of Abatement,) and also for Reviving one other Law of this Colony, entituled An Act in Addition to an Act entituled An Act for the Settlement of Intestate Estates; both which Laws were made and passed at a General Assembly held at New Haven the 8th Day of October in the eleventh Year of his present Majesties Reign.

Whereas the above recited laws were to continue of force for two years, and no longer, which time is now expired:

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforesaid laws shall be revived, and they are hereby revived, and shall remain in full force, in all their parts and paragraphs, until this Court shall order otherwise.

Upon the petition of Margaret Sage, of Midletown, administratrix on the estate of Mr. Timothy Sage, late of said Midletown, deceas'd, praying to this Assembly that she, with the assistance of Capt. Wm. Savage, of said Midletown, may be impowred to sell so much of the lands of the said Timothy Sage, deceas'd, to the value of £39 6*s.* 4*d.*, by and with the advice of the court of probate in Hartford, and for the charges arising and selling said land; and it being made evident to this Assembly that said Sage, when he dyed, left his estate indebted the sum aforesaid more than there was moveable estate left by said Sage to pay debts withal: Whereupon this Assembly doth impower said Margaret Sage and said Capt. Savage, by and with the advice of said probate, to sell so much of the lands of said deceas'd's estate as to procure the sum abovesaid, and charges that shall arise in selling the same.

[557] Upon the petition of Joseph Barnard *v.* James Poisson: Resolved by this Assembly, that the petitioner shall have liberty to enter his appeal in all the actions mentioned in the said petition at the superiour court to be holden at Hartford in March next, notwithstanding the judgments given against him in the said actions at the superiour court held at Hartford in September last, and to pursue the same to final judgment, by review or otherwise, as the said cases or actions will admit of; and that the executions granted on the said judgments in September last shall be suspended until the superiour court, to be held at Hartford in March next, (and in case the said petitioner shall enter and prosecute his appeal as aforesaid) until there shall be a final issue of the said actions, or either of them, respectively.

Upon the memorial of Deborah Bailey, wife of Thomas Bailey, of Fairfield, shewing to this Assembly that her husband, by the divine providence, has lately fallen into distraction and become a person *non compos mentis*, and thereby rendered uncapable to take care of and manage his common concerns and business, and that his estate is like to suffer great loss and damage, and that there is no occasion for selling the lands of her said husband for his, her or their families present support, and that there is a necessity for the appointment of some meet person to take care of and manage the whole concerns of her said husband's estate, and also desiring this Assembly to take the whole matter into consideration and act upon the premises something prudent and safe for the relief of the said memorialist in her difficulties: This Assembly have and do hereby grant and impower the said Deborah Bailey to be attorney for and in behalf of her husband, and to substitute one or more attorneys under her during his distraction, and them again at pleasure to revoke, to reckon and pay debts, to prosecute, appear, plead, defend, and to final judgment and execution to prosecute, all actions, causes, and suits, to be brought for or against her said husband; and that the book of the said distracted shall be esteemed and taken in evidence as a dead person's book.

Upon the hearing of the writ of errour between Benjamin Massey *v.* Benjamin Sittern, for reversing a judgment of the superiour court holden at Hartford September, 1725, recovered by John Massey against Benjamin Massey; both parties declaring before this Assembly that John Massey, one of the parties in the said suit, was dead before the giving of the judgment aforesaid by the superiour court, and that the said judgment was erroneous and ought to be reversed: It is resolved by this Assembly, that the said judgment is erroneous and ought to be reversed, and it is hereby accordingly reversed and made void, and that all things be *in statu quo prius*, as before the suit began.

This Assembly do establish and confirm Mr. Joseph Rogers of Milford, to be Lieutenant of the westermost company or trainband in the town of Milford aforesaid, and order that he be commissioned accordingly.

The Assembly do establish and confirm Mr. George Clark of Milford to be Ensign of the westermost company or trainband in the town of Milford aforesaid, and order that he be commissioned accordingly.

[558] In obedience to the order of the General Assembly holden at Hartford in May last, we, the subscribers hereunto,

have repaired to the place of the south society in Lebanon, and upon hearing and considering their present circumstances, with respect to their difficulties mentioned in said order of the Assembly, we find,—

1. That the highways and streets in said town are so laid out, and the inhabitants settled in such manner, that whensoever the said society is divided into two, there is no place can well accommodate the north-eastern part for their meeting-house but the great street where the meeting-house now standeth, only.

2. That whensoever said society be divided into two, unless a mile and three-quarters or two miles in breadth lying next southwesterly from the great street be laid to the north-east society, the travel of the inhabitants to their meeting-house set in said street will bear no equal proportion: but if it be so ordered, the meeting-house set in that street will well accommodate the inhabitants of such a society.

3. That for us to divide the society in such manner now, until the land on the south-west part is better replenished with inhabitants, would be to set up a society there before the inhabitants are well able to defray the necessary charge.

4. That if a mile on the south-west side of the society were added to it out of Colchester and Norwich, that with the south society in Lebanon would well accommodate two societies when the land is sufficiently settled with inhabitants.

From which consideration we have resolved and determined, that the said south society in Lebanon at present (and until they shall be parted by agreement or order of the General Assembly,) be and remain one distinct society as before, and that the inhabitants do with all convenient speed proceed to build a new meeting-house for their society.

2. With respect to the place for their settling their new meeting-house, we have considered that it can no way well accommodate the inhabitants unless it be set either in the center of said society or in the great street; and that to set it in the center will be too far west for the most part of the present inhabitants, and when said society shall come to be divided, as tis probable it will be in a few years, that place will accommodate neither part.

We have therefore, upon the whole matter, resolved and determined, and do hereby determine, that the new meeting-house be set in the great street, in some convenient place very near where the old meeting-house standeth, and that there be a fair account kept of the charges in building the meeting-house, and that whensoever the people in the south-western

part of said society shall, by agreement amongst themselves or order of the General Assembly, be set off from the rest to be a distinct society, the inhabitants on the north-eastern part of the present society shall reimburse and pay back to them what they shall have expended in building the meeting-house, and that in the mean time they shall have the benefit of the meeting-house for the interest of such sums as they shall have expended in building of it.

Given under our hands in Lebanon, this 26th day of September, *Anno Dom.* 1726.

Mathew Allyn, Roger Wolcott.

The above report read in this Assembly and approved.

[559] Upon the petition of John and William Stannerd of Seybrook, shewing to this Assembly that hitherto there has been no lawful or effectual settlement of the estate of their father, Mr. Joseph Stannerd, formerly of Seybrook, deceas'd: It is ordered by this Court, that James Wadsworth and Joseph Whiting, Esq^{rs}, be a committee, and they are hereby made so, and fully impowred, at the request and charge of the petitioners, to call the parties together, and to hear the allegations about the premises, endeavour an agreement of the parties: but if there shall be no agreement made, &c. then the said committee shall report the circumstances of the said estate, as they shall appear to them, unto the General Court at Hartford in May next.

Mr. Richard Abbey and Mrs. Elizabeth Whiting of Windham, administrators on the estate of the Reverend Mr. Sam^{ll} Whiting, late of Windham, deceas'd, having shewn to this Assembly that the debts due from said estate do exceed the whole of the moveables the sum of £46 12*s*. 0*d*. and that there is also by the judge of the probate laid aside, for the support of the widow during life, and bringing up the young children of the deceas'd, £90, to which there must be added charge of administration, so that the debts, charge and allowance on the said estate, will exceed the moveables about £150, and they praying this Assembly to authorize the said administrators with Mr. Joseph Fitch of Lebanon, or any two of them, to make sale of the house and land lying in said Windham, containing about thirty acres, abutted east on the town street, north on the land of Capt. John Fitch, and south on the land of Jeremiah Ripley, reserving to the widow her thirds in the house only; and the said administrators also representing that it is likely that the sale thereof will be more advantageous to the heirs than the sale of any other lands to the estate belonging, thô the sum may exceed the sums above: Upon consider-

ation whereof, this Assembly do fully authorize and impower the said Richard Abbey, Elizabeth Whiting and Joseph Fitch, to make sale of the said lot of land, with all buildings thereon, (reserving only one-third of the house to the widow during life,) to the highest bidder, at the direction of the court of probate in the district of Windham; and the money thereby produced to be disposed as follows, viz. the debts above, with all other just debts that shall hereafter appear, with the necessary charge of administration and £30 to the widow for bringing up the three youngest children to five years of age, and £60 for what of moveables is set out to the widow for her support during life, being first deducted, the residue shall be one-third to the widow during life, upon condition that she, or any for her, shall give sufficient bond, to the acceptance of the judge of the said court of probate, that the said third part at her death shall be refunded and delivered to the heirs of the deceas'd, to whom of right it belongs; and the remaining two-thirds to be as assets in the hands of the administrators, and be divided to the children and co-heirs of the deceas'd, according to law. And the said Richard Abbey, Eliz[a] Whiting and Joseph Fitch, are hereby fully impowred to make and execute a deed or deeds of sale of the land and buildings aforesaid to the highest bidder or bidders; which deed or deeds when executed shall be good and effectual in the law for the purchaser or purchasers, for holding to them, their heirs and assigns forever.

A Question to this Assembly, viz. whether a county surveyor, qualified as the law directs, being at any time called out to run any line between adjoyning proprietors, and the said surveyor [560] || not knowing the true course from boundary to boundary, or thrô the variation of his compass is obliged to run an uncertain course to find the certain and true course between said proprietors, and in so doing runs upon the lands of the adjoyning proprietors to him or them calling out said surveyor, the running of said uncertain or traverse line upon said adjoyning land ought to be accounted a trespass in the surveyor, his imployer or imployers, or those the said surveyor improves as his assistants: Resolved in the negative; provided the above service be done in the months appointed by law for running or renewing bounds.

This Assembly do establish and confirm Mr. John Camp of Wethersfield to be Captain of the company or trainband at the parish of Newington, in the town of Wethersfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ephraim Dem-

ing of Wethersfield to be Lieutenant of the company or train-band at the parish of Newington in the town of Wethersfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Bordman of Wethersfield to be Ensign of the company at the parish of Newington partly in the town of Wethersfield aforesaid, and order that he be commissioned accordingly.

Upon the petition of Izrahiah Wettmore, jun^{r}, of Midletown, *v.* George Chartres, of Hartford, setting forth that he had been disappointed in a tryal that had been between him and said Chartres at the superiour court at Hartford, in March last, for that he, said Wettmore, wholly lost the benefit of one of his principal evidences: This Assembly do therefore grant said Wettmore one more tryal of the action at the superiour court to be holden at Hartford in March next; and the whole costs of the action to follow said tryal.

Upon the petition of Paul Richards and Mathew Clarkson of the city and province of New York, complaining that the judgment of the superiour court held at New London in September last, in a case wherein they had sued Peter Pratt, of or resident in Seybrook, by a writ of *scire facias*, wherein he by his recognizance had bound himself in the sum of fifty pounds that one Samuel Lancelott should prosecute an appeal he had granted him from a judgment of the county court held in Hartford April, 1724, which was recovered at said county court by said Richards and Clarkson against said Lancelott, and to answer all damages if he, said Lancelott, did not make his plea good: Upon consideration whereof, this Assembly are of opinion said judgment is erroneous and ought to be reversed, and it is hereby reversed and made void; and the said petitioners shall have another tryal in their said case at the superiour court to be held at New London in March next, and that all the cost shall follow the final judgment. *Cost allow'd petitioners* £2 10*s.* 0*d.*

Upon the petition of Mary How of Wallingsford, shewing to this Assembly that her daughter Elizabeth Cook, (who is an idiot,) hath an estate in land, which she supposes sufficient to maintain said idiot, and praying this Assembly to enable [561] her || to dispose thereof to best advantage for that end, and likewise dispose of her said daughter: This Assembly grants that John Hall, Esq^{r}, with the petitioner, shall and have hereby full power granted them to dispose of the lands of said idiot, and to make and execute a good deed of sale of the said lands to such person as they shall see cause, and likewise to dispose of the said idiot to said person, and that

the deed, so made and executed according to law, shall be good in the law for holding said land to the purchaser, his heirs and assigns forever.

Whereas Daniel Davisson of Mansfield hath informed this Assembly that Peter Davisson, an idiot, is, by order of the Hon^ble^ the Governour and Council, now at his house, and prayed that this Assembly would resolve who shall take care of said idiot for the future, and also order him to be in some way paid his expences for the time he hath taken care of said idiot by the order aforesaid: Resolved by this Assembly thereupon, that the said Daniel Davisson shall be allowed seven shillings per week out of the publick treasury for the time he hath kept said idiot by the aforesaid order, and that the said idiot shall (as soon as conveniently he may) be carried to Norwich (where the said idiot was born) and there left with one of the selectmen or overseers of the poor in said town, who are hereby commanded to receive said idiot and provide for him as their own poor until they shall by law be discharged therefrom. And it is further resolved, that the said selectmen for the time being shall and hereby have full and free liberty to take out a writ of *scire facias*, either against the town of Mansfield or Mortlake, or both if they see cause, to appear at the superiour court at Windham and shew cause why they should not be chargeable with said idiot; which court shall, upon hearing the parties, determine the case according to law. And it is further resolved, that a copy of this act shall be sent to Jonathan Belcher, Esq^r^, at Boston, in case said Mortlake be summoned, together with a notification to him to appear and answer, which being so done and made to appear to said court, the same shall be sufficient for said court to proceed in the said case, whether said Belcher appear or not. *Cost allow'd Peter Davisson* £2 16*s.* 9*d. to be paid him out of the Colony treasury.*

This Assembly being informed that several tracts of land sequestred for several tribes of Indians within this government are incroacht upon, and some of the natives complaining to this Assembly that they are lately informed that, according to the laws of this Colony, if any man suffer another to be quietly on his land for the space of fifteen years, that he may lose his land, by which means, thrô their ignorance of the English laws and customs, they are and may be in hazard of being holden out of those small tracts of land which they have reserved for themselves, or by the care of this government hath been set apart and sequestred for the use of them and their posterity: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, That when and so often as any suit shall be brought by any Indian or Indians for the recovery of any land reserved by the Indians as aforesaid, or sequestered for the use and benefit of the Indians by order of this [562] Assembly or by any town, agreeable to || the law of this Colony, that the defendant or tenant shall not be admitted to plead in his defence that he hath holden the demandants out of the land demanded for the space of fifteen years, or any ways to take benefit by the law entituled An Act for the quieting mens estates and avoiding of suits, made May the 8th, 1684.

Upon consideration of the petition of Philip Eastman, agent for the town of Ashford: Resolved by this Assembly, that the petition be referred to the sessions of this Assembly in May next, and that the petitioner do notify Mr. Stoddard by a copy of this act and petition.

Whereas John Ames, agent for the proprietors of Preston, and John Stoyell, agent for the proprietors of Voluntown, have reported to this Assembly that there hath been great differences between the said Preston and Voluntown, respecting the dividend line between said towns, and thereupon said agents have prayed this Assembly to appoint and fully impower C. Christophers, Esq^{r}, Mr. Caleb Leet and Mr. Josiah Conant, (or any two of them,) at the equal charge of the proprietors of said towns, to endeavour an agreement between said towns, or otherwise to settle and ascertain the said line, if no agreement can be gained: Whereupon this Assembly doth appoint and fully impower said Christoph. Christophers, Esq^{r}, Mr. Leet, Mr. Conant, or any two of them, to endeavour an agreement between said proprietors, respecting said line; and the proprietors of said towns respectively are hereby directed to choose and fully impower agents to agree about said line and fully to finish all controversies that have hapned thereupon: but if the said persons shall not be able to bring the said parties to an agreement, then they, or any two of them, shall proceed to settle and ascertain the said dividend line and make proper metes and bounds between said towns as the law directs; and the said persons shall make their return to this Assembly in May next, that the same may be allowed and confirmed.

The petition of Edward Cadwell and Elizabeth Easton, administrators on the estate of Jonathan Easton, late of Hartford, deceas'd, *v.* John Beauchamp, is ordered by this Assembly to be continued till the sessions of this Assembly in May next, and that execution upon the judgment referred to in said petition be stayed.

Upon consideration had in this Assembly upon the petition of Hannah Newbury, *alias* Merriman, *v.* Robin, a negro: The question was put, whether any thing shall be granted on the prayer of said petition: Resolved in the negative. *Cost allow'd respondent*, £1 10*s.* 1*d.* *Ex. granted December 5th*, 1726.

Upon consideration had in this Assembly upon the petition of Daniel Fuller *v.* the Western Society in Windsor: The question was put, whether any thing shall be granted on the prayer of said petition: Resolved in the negative.

The petition of the town of Colchester *v.* the town of Hebron, upon the desire of the parties, is ordered by this Assembly to be continued till the sessions of this Assembly in May next.

[563] Upon the petition of the third or south society of Farmington, desiring this Assembly that a tax upon the lands of said society be granted: This Assembly do hereby grant a tax of one penny per acre *per annum* upon all the unimproved lands within the precincts of said society, for the space of four years ensuing; the first years tax money to be paid at or before the first day of next April, and so annually every year until said four years is expired; the collector hereafter mentioned giving timely notice annually to said proprietors before said time of payment. And this Assembly do hereby fully impower Samuel Woodruff, jun^{r}, of said society, to collect or gather said tax; and if any person or persons shall neglect or refuse to pay said tax as herein set and ordered to be paid, that then the said Samuel Woodruff shall get a lawful writ from the authority, and distrain upon the goods or real estate of such person or persons so neglecting or refusing; and the said collector shall dispose of the money so raised as the said society by their major vote from time to time shall order. And this Assembly do order, that for the future the said society be called and known by the name of Southington.

Upon the petition of Thomas Williams of New London against Robt. Denisson of said New London, praying this Assembly to chancer a judgment of the adjourn'd county court holden at New London on the second Tuesday of August last past, given on a bill or note of hand against said Williams in favour of said Denisson aforesaid, which was that said Denisson should recover of the said Williams the sum of one hundred pounds money debt, and £1 19*s.* 1*d.* cost of suit; said Williams shewing to this Assembly that said note was given for no other end but to bind him to perform the award of some arbitrators to be given of and upon a difference between him, said Williams, and Denisson aforesaid, and that said ar-

bitrators did award said Williams to pay unto said Denisson but eighteen pounds and two shillings money; and also shewing that the sheriff of the county of New London hath an execution in his hands to levy for the full sum of said judgment; and therefore prays that this Court would give their orders to said sheriff thereupon: Whereupon it is resolved, that the aforesaid note is chancerable, and said judgment is hereby chancered to the sum given by said arbitrators, viz. £18 2*s*. 0*d;* and that the said Denisson shall take of the said Williams no more than the said £18 2*s*. 0*d*. and the cost of the county court aforesaid, which is £1 19*s*. 1*d*., and also the cost of this Court, which is £2 2*s*. 6*d*., it being in the whole £22 3*s*. 7*d*. —and so much said sheriff may levy said execution for, if need be, and no more; and this act shall be sufficient to secure said sheriff in his so doing.

This Court observing that many towns in this Colony have been divided into separate parishes or societies, and the new society so set off have by this Assembly been directed how to form themselves into such societies by a special law of this Colony, as in page 231:* but no provision in said law directing the first society, after the said parishes or societies are drawn off, to form themselves into a society, or how to warn the first society meeting in the said society,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority [564] *of the same*, That when any society || or societies are legally set off in any town or towns in this Colony, any assistant or justice of the peace, together with three of the principal inhabitants in any such first society, shall, by themselves or others whom they shall depute, by a warrant under the hands of said assistant or justice and three inhabitants aforesaid, warn all the inhabitants in the limits of said society, to meet together at such time and place as they shall appoint, when and where they shall first choose a moderator, and then a clerk, who shall by some assistant or justice of peace be sworn to a faithful discharge of his office; which being effected, they may proceed to act any thing lawful and proper for such a society to do, as in case of other societies.

Provided nevertheless, If any of the first societies in any of the towns aforesaid have already acted as separate societies, their acts shall be good and valid; and this act shall in no wise be construed to their prejudice, but they shall still continue to act as they have done, according to the former law for societies.

* Volume VI., page 33.

Whereas Ben Uncass, one of the chief of the Mohegan Indians, did apply himself to the General Assembly held at Hartford in May last, and the said Uncass, with others of the said Mohegan Indians, have again applied themselves to this Assembly and moved that some meet person or persons may be appointed to take care of the Indian affairs in the said Mohegan country, by leasing out their lands for their best benefit and advantage, and to assist and relieve them in case of trespass and other injuries that may be offered them by their tenants and other English inhabitants settled on or near their lands; the said Mohegan Indians also having represented to this Assembly that it is their desire that the aforesaid Ben Uncass may succeed his father lately deceas'd, as their sachem or chief captain, and as such may be established and confirmed by this Assembly, in like manner as his father was after the death of Cæsar their former sachem: And whereas James Wadsworth and John Hall, Esq^{rs}, were by an act of the General Assembly held at New Haven the 8th day of October, 1719, appointed commissioners, together with John Hooker, Esq^{r}, or any two of them, with full power to take the said Indians under their guardianship, and to act and do for the said Indians as at large is set forth in the said act of Assembly of the 8th of October, 1719, and also in one other act of the Assembly made and passed at New Haven, Octo. 9th, 1718,

It is thereupon resolved by this Assembly, That the aforesaid James Wadsworth and John Hall, Esq^{rs}, shall have full power, and they are hereby authorized and impowred to take upon them the guardianship of the said Mohegan Indians, and to act and do for them to all intents, constructions, and purposes, as fully as they might or could have done by force of the aforesaid acts of Assembly made in October, 1718, and October, 1719, wherein the said Indians are or may be concerned, from time to time, and at all times hereafter, until this Assembly shall order otherwise.

[565] *And it is further resolved*, That the said committee ‖ be directed, and they are hereby directed and impowred, to cause a school-house, twenty-two foot in length and sixteen foot in breadth, one story high, to be built for the use of the said Indians, in the most convenient place in the said Mohegan lands, and that the cost of said school-house shall be paid out of the publick treasury of this Colony, unless the said committee shall find some part of the rents of the said Indian land may be appropriated to that service. And this Assembly do establish the said Ben Uncass, the eldest son of Ben Uncass, deceas'd, to be Sachem of the said Mohegan Indians.

Resolved by this Assembly, That Christoph Christophers, Esq^r^, Mr. Jonathan Prentts and Capt. Joshua Hempstead, be a committee in behalf of this Assembly to receive of the executors of the late Hon^ble^ Governour Saltonstall, the arms used in the expedition against Canada, now in the custody of said executors; who are hereby impowred to receive the same and give receipt or discharge to said executors of the arms they shall so receive. And the said committee are hereby further directed, sometime before the session of this Assembly in May next, to ship the said arms on board some coaster bound to Hartford, consigning them to Nathaniel Stanly, Esq., at Hartford aforesaid, who is hereby directed to receive the same and lodge them in the State-house there.

Upon the memorial of Benjamin Hosford and Abiel Smith, both of Litchfield, administrators and commissioners on the estate of Mr. Nathaniel Smith, of said Litchfield, deceas'd, shewing said estate to be insolvent: Upon consideration whereof, this Assembly do hereby give full power to the said Benj^a^ Hosford and Abiell Smith, with the advice of Capt. John Marsh, to make sale of what lands belong to said estate, and make return thereof to the judge of probate at Woodbury, that the money may be applied to the payment of the debts of the said deceas'd, as the law directs.

Resolved by this Assembly, That Major Sam^ll^ Eells, Capt. John Hall, and Capt. Joseph Whiting, Esq^rs^, with the captains that impressed the souldiers sent out during the sessions of this Assembly, shall adjust the accounts and allow the wages of said souldiers in the respective towns of New Haven, Milford, and Wallingsford, taking the accounts from Capt. John Marsh and Capt. Stephen Noble, as to what said souldiers have taken up upon their wages, if any thing there be; and the said souldiers shall be allowed two shillings *per diem*, and the serjeants, as the law directs.

Whereas, there was left in the Treasurer's hands, in May last, in bills of publick credit fit for further use, the sum of one thousand six hundred twenty-four pounds two shillings and six pence, which were so lodged for the further dispose of this Assembly:

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Treasurer shall, and he is hereby impowred to issue out and deliver the said sum of one thousand six hundred twenty-four pounds two shillings and six pence, together with three hundred seventy-five pounds seventeen shillings and six pence more, to be of the bills brought into the treasury by the

rate granted by this Assembly in October last, or by impost, for and towards the payment of the publick debts of this Colony and the necessary charges of the same, according to such orders as shall be given him from time to time according to law.

[566] Upon the petition of Mrs. Katharine Noyes of Boston, administratrix on the estate of Oliver Noyes of said Boston, Esq., deceas'd, *v.* Nehemiah Loring of Stratford, shewing that an action of book-debt was commenced by said Noyes in his life time against said Loring, and judgment therein recovered, at a county court in Fairfield, on the third Tuesday of November, 1716, for the sum of £1229 14*s.* 8*d.* debt, and £3 15*s.* 0*d.* cost, which judgment was by the General Court at New Haven, October, 1725, reversed, and a tryal of said action to said Loring allowed, and at an adjourned county court at said Fairfield, the 1st of February, $172\frac{5}{6}$, judgment in said action went against said Katharine, and no appeal or review to her allowed, she desiring said action may be revived: Upon consideration whereof, this Assembly do revive said action, and it is hereby revived, and the said Katharine Noyes, administratrix as aforesaid, is hereby fully impowred to bring forward said action, and prosecute the same at the superiour court at Fairfield in February next.

Upon the petition of Nehemiah Loring of Stratford, praying this Assembly that he might have liberty to have auditors allowed him, if he desire it, at the superiour court, to be held in Fairfield in February next, in the case there to be heard between him and Katharine Noyes of Boston, which she hath liberty to bring forward by the act of this Assembly: It is hereby resolved, that said Noyes or said Loring shall have full liberty, each of them, to ask for auditors in said case, and said superiour court shall hereby have full power to appoint auditors in said case, as by law is already provided in cases brought in the usual form for book-debts.

Resolved by this Assembly, That the power of the committee, viz: Major Roger Wolcott and Nathaniel Stanly, Esq^{rs}, and Capt. Thomas Seymor, who were appointed by this Assembly to act in and about the affairs of Litchfield, in May, 1725, be continued in its full strength till this Assembly in May next; and said committee are hereby directed to proceed in and finish the work by said act committed to them.

Resolved by this Assembly, That the Hon^{ble} the Governour, with the advice and consent of the Council, shall be impowred, and they are hereby impowred until the sessions of the General Assembly at Hartford in May next, in case of sudden

exigency to send souldiers into the county of Hampshire. Provided always, that the said souldiers shall not be posted in the said county of Hampshire as garrison souldiers.

Upon consideration had in this Assembly of the pleas offered against hearing the petition of Daniel Murwin of Durham *v.* the proprietors of said Durham: The question was put, whether the said petition shall be heard: Resolved in the negative. *Allowed costs for proprietors is* £1 7*s.* 4*d.*

The petition of the administrators of Mrs. Abigail Bryan *v.* John Duran, is ordered to be continued till the sessions of this Assembly in May next, and that the petitioners notify the parties concerned thereof.

The petition of Richard Robbins *v.* Thomas Hancox, upon the desire of the parties, is continued till the sessions of this Assembly in May next.

[567] Upon consideration had in this Assembly on the petition of William and Ephraim Washborn, of Derby, *v.* the proprietors of Stratford: The question was put, whether the prayer of said petition shall be granted: Resolved in the negative. *Cost allow'd respondents*, £0 16*s.* 0*d.* *Ex. granted May* 17*th*, 1727.

Upon consideration had in this Assembly on the memorial of the inhabitants of Wellington and west side of Ashford *v.* town of Ashford: The question was put, whether the prayer thereof shall be granted: Resolved in the negative. *Cost allowed respondents is* £1 16*s.* 0*d.* *Ex. granted June* 9*th*, 1727. *Alias ex. granted Octo.* 20, 1727.

The petition of the town of Windsor *v.* the town of Symsbury, the prayer thereof is by this Assembly resolved in the negative. *Cost allowed respondents*, £2 3*s.* 2*d.*

Upon consideration had in this Assembly on the petition of the town of Midletown *v.* the town of Wallingsford: The question was put, whether the pleas offered in bar of said petition are sufficient: Resolved in the affirmative.

The memorial of Joseph Minor, of Woodbury, is referred to this Assembly to be held at Hartford in May next, for a further consideration.

Upon consideration of the petition of Izrahiah Wettmore, of Midletown, shewing that there is much need of a ferry to be set up and duly maintained at Midletown, near the warehouses, to transport passengers across the river of Connecticutt, praying for liberty to set up said ferry: Granted by this Assembly, that the said Wettmore shall have the sole liberty of setting up a ferry at said place for the space of ten years, and that

the fare be sixpence for a man, horse, and load, and three pence for a single man and horse.

Upon the petition of the proprietors of Hebron *v.* the town of Glassenbury, complaining of the resolution of a committee, viz., Colo. Mathew Allyn, Capt James Wadsworth, and John Hooker, Esq^rs^, appointed by this Assembly in October, 1720, respecting the dividend line betwixt said Hebron and Glassenbury, and praying this Assembly that said line may be established according to the report made to this Assembly in May, 1715, by one other committee, viz., Capt. Richard Bushnell, Capt. John Fitch, and Capt. John Hough: This Assembly, upon a full hearing of the said parties thereupon, do now approve and confirm the doings of the said committee appointed October, 1720, and do now resolve and declare, that the said line by them resolved upon, as it is described by said committee and entered upon the publick records and since surveyed by Mr. Jonathan Burnham accordingly, about the beginning of January, 172$\frac{3}{3}$, as said survey is also entered upon the publick records, shall forever hereafter be and remain the dividing line betwixt the said towns of Hebron and Glassenbury. Cost allow'd respondents £3 15*s.* 8*d.*

Whereas the General Assembly, at their session in October last, did appoint us, the subscribers, to view the situation of the town of Symsbury, and to consider their former settlements and present circumstances, and give our advice where their meeting-house should be set for the greatest conveniency of the whole town: we have accordingly now met at Symsbury and viewed the situation, and fully heard the committee of said Symsbury informing us of the present circumstances and former settlements of said town; all which we have deliberately considered, and do thereupon declare it to be our opinion, that at Bissell's landing place on the west side the river, at the place where we have now set up a stake for that end, is the place where their meeting-house should be set for the great-
[568] est conveniency of the whole town; ‖ and we do advise the inhabitants of said town to proceed and set up their meeting-house in that place, in a Christian and peaceable manner, becoming such a work. Dated in Symsbury, January 28th, 172$\frac{5}{6}$.

J. Talcott, Math^w^ Allyn, Roger Wolcott, *Committee.*

Upon consideration had in this Assembly on the above report of the committee: Resolved, that it be accepted and approved, and it is hereby approved, and that the inhabitants of said town continue to be one society.

Upon the petition of Richard Christophers and the rest of

the heirs of the late Richard Christophers, Esq^r, of New London, deceas'd, *v.* Andrew Daviss: Resolved by this Assembly, that the judgment therein complained of shall be reversed, and that the said heirs shall have liberty to sue for the said land as if the said final judgment had not been given against their said father.

An Act for the more effectual Detecting and Punishing Trespass.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the last day of December next, no person or persons do or shall cut, fell, destroy or carry away, any tree or trees, timber or underwood whatsoever, standing, lying or growing on the land of any other person or persons, or off or from any sequestred land for town commons, or any common or undivided lands in any town, without leave or licence of the owner or owners of such lands whereon such trees, wood, timber or underwood was standing, lying or growing; on pain that every such person so cutting, felling, destroying or carrying away the same, or that shall be aiding or assisting therein, shall for every such trespass forfeit and pay to the party or parties injured or trespassed upon the sum of twenty shillings for every tree of one foot over, and for all trees of greater dimensions three times the value thereof besides twenty shillings as aforesaid, and ten shillings for every tree or pole under the dimensions of one foot diameter; which several penalties, forfeitures and damages shall and may be recovered by action, bill, plaint or information, upon conviction of the trespasser or trespassers, as is hereafter especially provided and enacted, before any assistant or justice of the peace, if the penalty and damage exceed not the sum of forty shillings: but if it be above that value, then before the county court in the same county.

And it is further enacted and declared, That the proprietors of the common and undivided lands in the several townships are the persons trespassed upon by cutting, felling, destroying or carrying away any timber, tree or trees, growing or lying on the common undivided lands in said towns; and that the inhabitants of the respective towns are the persons trespassed upon by all such trespasses as aforesaid done in sequestered lands for town commons in such towns.

Be it further enacted by the authority aforesaid, That if any person or persons shall unlawfully throw down or leave open [569] ‖ any bars, gates, fence or fences, belonging to or enclosing any lands held in propriety or common, or belonging to any particular person or persons within this Colony, shall

for every such trespass, upon conviction thereof, as is in and by this act hereafter provided, forfeit and pay to the party or parties injured thereby double damages, and also a sum not exceeding fifty shillings, according to the nature and aggravation of the trespass, to be recovered in manner as aforesaid.

And forasmuch as it is very hard and difficult to detect and convict any trespasser or trespassers against this act in the ordinary method or course of the law, by reason the trespasses are generally committed where positive evidence can scarcely ever be had,

Be it enacted by the authority aforesaid, and it is hereby enacted, That in case any dispute arise upon any action, bill, plaint or information, brought as aforesaid, where the plaintiff, complainant or informer shall charge the defendant in trespass, in cutting, felling, destroying or carrying away any tree or trees, parcels of timber or underwood, or of unlawfully throwing down or leaving open any fence or fences, gates or bars as aforesaid, or aiding or assisting therein, then and in such cases, if the plaintiff, complainant or informer shall make oath that there hath been cut down, felled, destroyed or carried away such tree, or so many trees, parcels of timber, wood or underwoods, or that any fence or fences, gates or bars, have been thrown down, and that he suspects the defendant to have committed the said trespass, although the plaintiff, complainant or informer, may not be able to produce any other evidence thereof than to render it highly probable to the court, assistant or justice before whom the tryal is, then and in every such case, unless the defendant shall acquit himself upon oath that he did not do, nor cause to be done, the facts that are charged against him in the writ, or any of them, which oath the court, assistant or justice that shall try the case are hereby enabled to administer to him, the plaintiff shall recover against the defendant the penalty and damage as aforesaid, with his costs: but if the defendant shall in such manner acquit himself upon oath as aforesaid, the court, assistant or justice may and shall enter up judgment for the defendant to recover against the plaintiff double his costs occasioned by such prosecution.

And it is further enacted, That if any person or persons having their faces blacked, painted, or any ways disguised, shall either by day or night commit any of the trespasses aforesaid, or shall beat or abuse any of his Majesties good subjects, and be thereof convicted by due course of law, such person or persons so trespassing shall, over and above the penalties and damages beforesaid, be publickly whipt, not exceeding twenty

stripes, as the nature of the trespass may require; any law, usage or custom to the contrary notwithstanding.

Always provided, and it is hereby provided and enacted, That the proprietors of the common undivided lands in the respective towns shall and may grant liberty for the cutting or felling any tree or trees, or carrying away any timber, wood or underwood, growing or lying in their common or undivided land, under such regulations and restrictions as they, or the major part of them, in their legal meetings shall see cause and appoint, and impower their agents or attorneys, in their place or stead, to prosecute any person or persons that shall trespass on their undivided lands contrary to this act; and the like power and liberty is hereby declared to be vested in the inhabitants of the several towns in their town-meetings, with respect to the timber, tree or trees, wood or underwood, growing or lying on land within their townships sequestred for town commons, viz. to appoint agents or attorneys to prosecute any person or persons that shall trespass upon lands sequestered for town commons as aforesaid.

[570] *Provided also, and it is hereby enacted*, That no town shall have power in any of their meetings, to prohibit any person or persons inhabiting in such town from cutting firewood, or getting fencing stuff, for their own uses only, off and from any land sequestered for town commons, under such reasonable regulations as they shall appoint and agree to; anything in this act to the contrary in anywise notwithstanding.

Provided also, and it is hereby further provided and enacted, That when the court, assistant or justice, before whom any tryal upon this act shall be had, shall be well satisfied that the defendant was only guilty through mistake, and that he really believed that the timber complained of was, when growing, upon his own land, that in such case the defendant shall be sentenced to pay to the plaintiff only the just value of the timber felled or taken away, and cost of tryal, and no more.

And further it is provided and enacted by the authority aforesaid, That all agreements upon record in any town in this Colony, concerning any the timber, wood, &c. in this act mentioned, shall, so far as said acts or agreements concern the inhabitants of such town getting timber, wood, &c. for their own use only, be and be holden good [and] valid; any thing to the contrary in this act notwithstanding.

And finally, it is resolved, That this act be of force for two years and until the end of the next session of this Assembly after said two years are expired, and no longer.

This Assembly grants to his Honour the Governour two hundred pounds in bills of credit out of the treasury, for his

salary this year; and to his Honour the Deputy Governour fifty pounds in bills of credit out of the treasury, for his salary this year.

This Assembly grants to Mr. Secretary Wyllys eight pounds in bills of credit out of the treasury, for his salary this year.

Upon the petition of Thomas Hurlburt of Wethersfield, administrator on the estate of John Wyard of Wethersfield, deceas'd, shewing to this Assembly that the said estate is insolvent, and praying that he may be enabled to sell the lands of the deceas'd for and towards the payment of the debts due therefrom: This Assembly grant the prayer of said petitioner, so far that he be enabled, and he is hereby authorized and impowered to sell said land, and to make and execute good and ample deeds of the same, which shall be good and effectual in the law for the sure holding the same to the purchaser or purchasers, their heirs or assigns forever, with the advice and direction of the court of probate in the county of Hartford, and dispose of the money procured by said sale in payment of the debts of the deceas'd, according to law.

This Assembly appoint Capt. Joseph Platt, Justice of the Peace and Quorum for the county of Fairfield.

Upon a motion made to this Assembly by Mr. Andrew Burr, sheriff of the county of Fairfield: Resolved that the said sheriff shall have liberty in his disposing of Thomas Shaw, a prisoner in the county goal in the said county of Fairfield, in service, pursuant to the judgment of the superiour court held at Fairfield in August last, to agree with any person to whom the said Shaw shall be disposed of in service as aforesaid, that in case the said Shaw shall persist in his thievish and burglarious practice, so as to expose himself to the gallows and to [571] suffer the pains of death || for the same, which at present seems very hazardous, that in such case the person so agreeing with the said sheriff for the service of the said Shaw shall be refunded and paid back out of the publick treasury so much of the money agreed for as shall then remain unsatisfied for by the service of the said Shaw, proportionable to the time of service and money agreed for.

Upon the petition of David Dutton of Wallingsford, administrator on the estate of Jeremiah Selby of New Haven, late of Haddam East, praying for liberty to exchange ten acres of land in said Haddam East with the proprietors of said Haddam East, and shewing that said exchange will be very beneficial to the estate of the deceas'd: This Assembly do therefore grant liberty to said administrator to exchange ten acres of rough land for ten acres of said proprietors land, which said

Selby in his life time subdued and built upon, and make and execute a deed of exchange which shall be good and valid in the law for holding the same to said proprietors and their successors forever.

Upon the memorial of Samuel Smith of West Haven, shewing that one John Rogers, a transient person, was taken sick and dyed at his house, said Rogers having nothing to help himself, said Smith being at great charges for said Rogers: Upon consideration whereof, this Assembly do allow to the said Samuel Smith eight pounds thirteen shillings and eleven pence, to be paid out of the publick treasury.

This Assembly grants Mr. Joseph Dewey of Hebron the sum of four pounds out of the Colony money that he hath already in his hands, for informing against one W^m^ Carrick for making and uttering counterfeit bills, as set forth in said Dewey's petition on file.

This Assembly grant Joshua Culver of Wallingsford forty shillings out of the publick treasury, for a forty shilling bill said Culver took, as constable, of Eben^z^ Seymor, which bill was detained in order to convict said Seymor of counterfeiting the publick bills of credit.

Upon consideration of the report of the committee relating to the bridge at Midletown, built by Wm. Whitmore: Resolved by this Assembly, that the grant which was made by this Assembly to Franciss Whitmore, father to the petitioner, on whose account the said report was made, shall be confirmed in all the parts of it which relates to Midletown, defeazable only on the town of Midletown paying to him or his heirs the sum of £300. And it is further provided, that until the sum of three hundred pounds aforesaid, or so much thereof as shall content and satisfy said Wm. Whitmore the petitioner, or his heirs, it shall not be lawful for the town of Midletown, or any particular person or persons whatsoever, to keep up, make, continue or maintain, any bridge or ferry for passing over the river at, by or near, the bridge built by the petitioner; and that it shall be lawful for the petitioner, or his heirs, to remove the same as a common nuisance. And it is hereby further provided, that it shall be lawful for the town of Midletown to ask and receive the contributions of any of the neighbouring towns for the raising, or helping them to advance, the sum aforesaid.

[572] Upon the prayer of Josiah Tibballs as constable of Milford in the year 1724, shewing that said constable had been wronged by a mistake in the list of said year: Whereupon it is resolved by this Assembly, that said Tibballs shall have out

of the Colony treasury the sum of nine pounds fourteen shillings.

It is resolved by this Court and the authority of the same, That for the future there be paid, for each petition brought to this Assembly, the sum of three pounds; any former law, usage or custom to the contrary notwithstanding.

The Records of this Assembly, as they stand recorded in the preceding pages, were read in the presence of this Assembly, and ordered to be signed as perfect and compleat.

HEZ. WYLLYS, Secretry.

This Court is adjourn'd until the Governour, or in his absence the Deputy Governour, shall see cause to call them to meet again.

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[265] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD, ON THE 29TH DAY OF DECEMBER, ANNO DOM. 1726.

Present, The Honourable Joseph Talcott, Esq., Governour.
Mathew Allyn, Esq., } *Assistants.*
Nath. Stanly, Esq., }
Messrs. Hez. Wyllys, John Austin, John Whiting.

Whereas Joseph Wakeman, Esq., was by the General Assembly in May last, appointed judge of the probates in the county of Fairfield, and this board being advised that by the holy providence of God the said judge is taken from us by death,

This board do therefore appoint Major John Burr, Judge of the Probate in and for said county of Fairfield, and he is hereby impowred to execute all the powers belonging to that trust and office, until the General Assembly to be holden at Hartford in May next.

AT A MEETING OF THE GOVERNOUR AND COUNCIL HELD IN HARTFORD, JANUARY 19TH, 172$\frac{6}{7}$.

Present, The Honourable Joseph Talcott, Esq., Governour.
Nath. Stanly, Esq., Hez. Wyllys, *Just. Pac.*, Mr. John Austin, Mr. John Whiting, Mr. Jonathan Bull.

Capt. James Rogers and Capt. Robert Denisson, at the desire of about twenty-six persons, under their hands, represented to this board that at a town meeting holden at New London on the 26th day of December last past, there was such disorders made in said meeting by sundry persons voting for the choice of town officers, that was not qualified as the law directs, that it hindered the proceedings, of said meeting on that day, and the meeting was adjourned to the 27th day of said month, [at] which meeting on said 27th day Capt. Joshua Hempstead appeared and managed as moderator; said meeting in a

tumultuous and disorderly manner proceeded and chose selectmen and constables; that one of the constables then chose was low in estate, and that the town might thereby [be] exposed to pay their country rates twice, and that the aforesaid choice was made in a great part by persons not qualifyed, so that their choice of their officers are esteemed not legal, which is to the great grievance and disquiet of the people of the town, and especially respecting the constable; and the town thereupon are and will be under great disadvantage, and likely to continue in contention if said constable be continued in his office; and pray that this board would order another town meeting in said town, and that some suitable persons may be appointed to attend another meeting, to see that the choice of their town officers may be made by persons legally qualified.

Upon consideration of which it is resolved, that Capt. Joshua Hempstead appear before this board in Hartford, on the first Wednesday in February next, to render account of what he knows relating to said choice of town officers at the town meeting aforesaid, and to give information concerning that affair; and that Capt. James Rogers also appear before this board on said first Wednesday, in order that this board may be fully informed in the premises, that they may then make out proper orders for the redressing any such grievances as may appear; and that a copy of this order, under the hand of the clerk of the Council, being read to Capt. Joshua Hempstead by the sheriff of the county of New London,—or a copy attested left at the place of his usual abode six days before the said first Wednesday in February next; and make return of this order with your doings thereon unto this board, at or before the first Wednesday in February next, and by the hand of Capt. James Rogers or Capt. Joshua Hempstead.

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[266] At a Meeting of the Governour and Council in Hartford, the 9th day of February, Anno Dom. 172$\frac{8}{9}$.

Present, The Honourable Joseph Talcott, Esq., Governour.

Matthew Allyn, Esq.,
John Hooker, Esq.,
Nathaniel Stanly, Esq.,
} *Assistants.* Hez. Wyllys, *Just. Pac.* Mr. John Austin.

According to an order of this board the 19th day of January last, upon a complaint preferred by Capt. James Rogers and Capt. Robert Denisson, at the request of about twenty-six persons, inhabitants of the town of New London, under their hands, relating to many disorders committed in the election of town officers at a town meeting held in New London aforesaid, on the 26th and 27th days of December last past, as may more fully appear by said complaint on file,—Capt. Joshua Hempstead now appeared, and Mr. Solomon Coit in behalf of Capt. James Rogers and the complainants.

The parties having been heard and their pleas and evidences considered, it appears to this board that the said complaint is not supported.

Resolved thereupon, That the town officers chosen on the said 27th

day of December, at the town meeting held at New London aforesaid, continue in their respective offices, and the charges arisen hereon be paid by the complainants; allowed to be £3 00*s.* 0*d.* *Paid by Mr. Coit to Capt. Hempstead.*

At a meeting of the Governour and Council in Hartford, March 30th, 1727.

Present, The Honourable Joseph Talcott, Esq., Governour.

Roger Wolcott, Nath. Stanly, } Esq'rs, *Assistants.* Capt. Hez. Wyllys, Capt. John Shelding, Mr. John Austin.

Capt. Samuel Olmstead, Capt. Brainerd, Daniel Brainerd, and John Church, of East Haddam, laid a memorial before this board, shewing that the finishing their meeting-house is hindered thrô contention in the society, and that the inhabitants at some of their last meetings have been confused for want of a moderator, and the selectmen refuse to warn another meeting: Upon hearing the parties, it is the opinion of his Honour and the Council that it is needful that the inhabitants of East Haddam should meet and fairly vote in the affair of their meeting-house as they, or the major part of them, may think it most for their benefit.

Whereupon it is resolved, That Capt. Samuel Olmstead warn the inhabitants of said society to meet at their old meeting-house on the first Thursday of April next ensuing, at ten of the clock afternoon,* to consider and vote what they shall judge is most beneficial for the finishing their new meeting-house: Warning to be given three days inclusive before the meeting; and Mr. Justice West of Lebanon is desired and impowred to preside moderator in said meeting, to keep order and lead the inhabitants in their voting; and if Mr. Justice West doth not attend it, Mr. Justice Woodward is appointed moderator, and desired to attend.

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* So in the record.

[573] *CONNECTICUTT COLONY.*

At a General Assembly holden at Hartford in his majesties Colony of Connecticott in New England, on the 11th day of May, in the thirteenth year of the reign of our sovereign lord George, of Great Britain, &c., King, Annoque Dom. 1727.*

Present at this Assembly,

The Honourable Joseph Talcott, Esq^r, Governour.
The Honourable Jonathan Law, Esq^r, Deputy Governour.

John Hamlin,		Hez. Brainerd,	
Mathew Allyn,		John Hooker,	
Roger Wolcott,	Esq^rs.	Nathaniel Stanly,	Esq^rs.
James Wadsworth,		Joseph Whiting,	
John Hall,			

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz.

Capt. Oz. Pitkin, Mr. James Ensign, for Hartford.
Capt. Jos. Hempstead, Mr. John Pickett, for New London.
Capt. John Fitch, Mr. Rich^d Abbey, for Windham.
Mr. Tho. Kimberly, Mr. David Hubbard, for Glassenbury.
Mr. Tho. Fitch, Mr. James Lockwood, for Norwalk.
Capt. Steph. Noble, Mr. Jno. Bostwick, for New Milford.
Capt. John Russell, Mr. Isa. Harrisson, for Branford.
Mr. Edmund Lewiss, Mr. Jos. Judson, for Stratford.
Capt. Henry Crane, Mr. Tho. Lyman, for Durham.
Capt. James Brainerd, for West Haddam.
Capt. Benja. Addams, Mr. Sam^ll Griswold, for Symsbury.
Capt. Tho. Huntington, Capt. Thomas Storrs, for Mansfield.
Capt. John Munson, Capt. Isaac Dickerman, for New Haven.
Mr. Robert Sillaman, Mr. John Osborn, for Fairfield.
Mr. Sam^ll Lynde, Mr. Steph. Whittlesey, for Seybrook.
Capt. John Williams, Mr. Increase Billings, for Stonington.
Mr. James Avery, Mr. Dan^ll Eldridge, for Groton.
Mr. Joseph Dewey, Mr. Hez. Gaylor, for Hebron.
Capt. Giles Hall, Mr. John Andrews, for Midletown.
Capt. John Woodward, Capt. Joseph Marsh, for Lebanon.
Mr. David Buell, Mr. John Stephens, for Killingsworth.
Capt. Thomas Judd, for Waterbury.
Capt. John Riggs, Mr. Sam^ll French, for Derby.
Capt. Joseph Hawley, Mr. Nath. Wadsworth, for Farmington.
[574] Major John Sabin, Mr. Benja. Sabin, for Pomfrett.

* The Journal of the Upper House is defective.

Mr. Israel Wyatt, Mr. Ephraim Wells, for Colchester.
Mr. Peter Buell, Mr. Joseph Strong, for Coventry.
Capt. Jonath. Hoytt, Mr. Jonath. Bates, for Stanford.
Mr. Caleb Leet, Mr. Peletiah Leet, for Guilford.
Capt. James Bebee, Mr. Jn° Gregory, for Danbury.
Capt. Tim° Peirce, Mr. Eph. Kingsbury, for Plainfield.
Capt. Roger Newton, for Milford.
Capt. Theo. Yale, Capt. Wm. Ward, for Wallingsford.
Capt. Joseph Minor, Mr. Henry Castle, for Woodbury.
Mr. Thomas Lee, Capt. Reignald Marvin, for Lyme.
Mr. Sam[ll] Butt, Mr. Henry Smith, for Canterbury.
Capt. Dan[ll] Brewster, Mr. John Brown, for Preston.
Mr. Peter Aspinwall, Mr. Symon Bryan, for Kellingly.
Capt. Tho. Stoughton, Capt. Thomas More, for Windsor.
Capt. John Chester, Mr. John Curtice, for Wethersfield.
Mr. Joseph Backus, Mr. James Huntington, for Norwich.
Mr. Thomas Kimberly, Speaker, } of the House of Repre-
Capt. John Russell, Clerk, } sentatives.

This day being appointed by charter and the laws of this Colony for the Election of the publick officers of this corporation, viz., the Governour, Deputy Governour, Assistants, Treasurer, and Secretary,—proclamation being made, the freemen proceeded to give in their votes to persons chosen by the Governour, Council and Representatives, to receive, sort and count them.

The persons so chosen and appointed are, John Hamlin, Esq[r], Mathew Allyn, Esq[r], Roger Wolcott, Esq[r], John Hall, Esq[r], Hez. Brainerd, Esq[r], John Hooker, Esq[r], Nathaniel Stanly, Esq[r], Joseph Whiting, Esq[r], Mr. James Ensign, Capt. Joseph Hawley, Capt. Isaac Dickerman, Capt. Roger Newton, Mr. Stephen Whittlesey, Capt. Daniel Brewster, and Mr. Peter Buell, who were all sworn, truly and faithfully to receive, sort and count the votes. And the votes of the freemen being brought in, sorted and counted,

The Hon[ble] Joseph Talcott, Esq[r], was chosen Governour of this Colony for the year ensuing, and had the governour's oath and the oaths required by acts of Parliament, relating to trade and navigation, administered to him in the presence of this Assembly.

The Hon[ble] Jonathan Law, Esq[r], was chosen Deputy Governour of this Colony for the year ensuing, and the deputy governour's oath was administered to him in the presence of this Assembly.

John Hamlin, Esq[r], Sam[ll] Eells, Esq[r], Mathew Allyn, Esq[r], Roger Wolcott, Esq[r], James Wadsworth, Esq[r], John Hall,

Esq^{r}, Christopher Christophers, Esq^{r}, Hez. Brainerd, Esq^{r}, John Hooker, Esq^{r}, Nathan^{ll} Stanly, Esq^{r}, Joseph Whiting, Esq^{r}, Ozias Pitkin, Esq^{r}, were chosen Assistants of this Colony for the year ensuing.

John Hamlin, Mathew Allyn, Roger Wolcott, James Wadsworth, John Hall, Hez. Brainerd, John Hooker, Joseph Whiting, Esq^{rs}, had the assistant's oath administered to them in the presence of this Assembly.

[575] Mr. John Whiting was chosen Treasurer of this Colony for the year ensuing.

Capt. Hez. Wyllys was chosen Secretary of this Colony for the year ensuing, and accordingly sworn to that office and trust in the presence of this Assembly.

This Assembly do establish and confirm Mr. Thomas Wilmott of New Haven to be Lieutenant of the sixth company or trainband in the town of New Haven aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Eben^{z} Beacher of New Haven to be Ensign of the sixth company or trainband in the town of New Haven aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Douglass of New London to be Captain of the first company or trainband in the town of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hough of New London to be Lieutenant of the first company or trainband in the town of New London, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Coitt of New London to be Ensign of the first company or trainband in the town of New London aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Beckwith of Lyme to be Ensign of the first company or trainband in the town of Lyme aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Hide, jun^{r}, to be Captain of the company or trainband on the east side of the line dividing the second company in the town of Norwich aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Sam^{ll} Backus to be Lieutenant of the company or trainband on the east side of the line dividing the second company in the town of Norwich aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Franciss Griswold of Norwich to be Ensign of the company or trainband on the east side of the line dividing the second company in the town of Norwich aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Lothrop to be Captain of the company or trainband on the west side of the line dividing the second company in the town of Norwich aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Egerton of Norwich to be Lieutenant of the company or trainband on the west side of the line dividing the second company in the town of Norwich, and order he be commissioned accordingly.

[576] This Assembly do establish and confirm Mr. Sam[ll] Leffingwell of Norwich to be Ensign of the company or trainband on the west side of the line dividing the second company in the town of Norwich aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Rossiter to be Ensign of the second company or trainband in the town of Guilford, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel St. John of Ridgefield to [be] Captain of the company or trainband in the town of Ridgefield aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Moses Blackslee of New Haven to be Ensign of the company or trainband in the parish of North Haven in the town of New Haven aforesaid, and order he be commissioned accordingly.

This Assembly do appoint the Hon[ble] Jonathan Law, Esq[r], to be Chief Judge of the Superiour Court for the year ensuing.

This Assembly do appoint Samuel Eells, Esq[r], Mathew Allyn, Esq[r], James Wadsworth, Esq[r], and John Hooker, Esq[r], to be Assistant Judges of the Superiour Court for the year ensuing.

This Assembly do appoint Roger Wolcott, Esq[r], to be Judge of the County Court in the county of Hartford.

This Assembly do appoint John Hall, Esq[r], to be Judge of the County Court in the county of New Haven.

This Assembly do appoint Christopher Christophers, Esq[r], to be Judge of the County Court in the county of New London.

This Assembly do appoint Major John Burr to be Judge of the County Court in the county of Fairfield.

This Assembly do appoint Capt. Timothy Pierce to be Judge of the County Court in the county of Windham.

This Assembly do appoint the Hon^{ble} Joseph Talcott, Esq^{r}, to be Judge of the Court of Probate in the county of Hartford.

This Assembly do appoint Joseph Whiting, Esq^{r}, to be Judge of the Court of Probate in the county of New Haven.

This Assembly do appoint Christopher Christophers, Esq^{r}, to be Judge of the Court of Probate in the county of New London.

This Assembly do appoint Major John Burr to be Judge of the Court of Probate in the county of Fairfield.

This Assembly do appoint Capt. Timothy Peirce to be Judge of the Court of Probate in the county of Windham.

This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate in the district of Guilford.

This Assembly do appoint John Sherman, Esq^{r}, to be Judge of the Court of Probate in the district of Woodbury.

[577] This Assembly do appoint Capt. Sam^{ll} Mather, Col^{o} David Goodrich, Capt. William Wadsworth, Mr. Thomas Kimberly, Capt. Hez. Wyllys, Capt. Joshua Robbins, Capt. Thomas Ward, Capt. Thomas Judd, Mr. John Hopkins, Mr. Joseph Phelps, Capt. James Wells, Capt. Thomas Gates, Mr. Michael Taintor, Capt. John Marsh, Mr. Benjamin Skinner, Mr. Josiah Goodrich, Capt. Benjamin Addams, to be Justices of the Peace in the county of Hartford.

This Assembly do appoint Capt. Samuel Mather, Col^{o} David Goodrich, Capt. William Wadsworth, Mr. Thomas Kimberly, to be of the Quorum in the county of Hartford.

This Assembly do appoint Mr. Warham Mather, Mr. Sam^{ll} Bishop, Capt. Andrew Ward, Capt. John Riggs, Mr. James Hooker, Capt. Nath. Harrisson, Mr. Edward Barker, Capt. Janna Meiggs, Mr. Sam^{ll} Brunson, Capt. Theo. Yale, Capt. Roger Newton, Capt. Sam^{ll} Gunn, Capt. Joseph Hull, to be Justices of the Peace in the county of New Haven.

This Assembly do appoint Mr. Warham Mather, Mr. Sam^{ll} Bishop, Mr. James Hooker, Capt. Andrew Ward, Capt. John Riggs, to be of the Quorum in the county of New Haven.

This Assembly do appoint Capt. Richard Bushnell, Mr. John Plumb, Mr. Jonathan Prentts, Mr. John Brown, Mr. Joseph Backus, Mr. Samuel Lynde, Mr. Nathaniel Cheesebrough, Mr. Daniel Palmer, Mr. James Morgan, Mr. James Avery, Capt. Dan^{ll} Brewster, Mr. Moses Noyes, Mr. Thomas Lee, Mr. Stephen Whittlesey, Mr. Abram Pierson, Mr. David Buell,

Capt. Joshua Hempstead, to be Justices of the Peace in the county of New London.

This Assembly do appoint Capt. Richard Bushnell, Mr. John Plumb, Mr. Jonathan Prentts, Mr. Joseph Backus, Mr. Samuel Lynde, to be of the Quorum in the county of New London.

This Assembly do appoint Joseph Curtice, Esq^{r}, John Sherman, Esq^{r}, Major John Burr, Mr. Joseph Bishopp, Mr. Joseph Minor, Mr. Edmund Lewiss, Capt. Joseph Platt, Capt. Moses Dimon, Mr. Samuel Peck, Mr. Eben^{z} Mead, Mr. Gershom Lockwood, Capt. Jonathan Hoytt, Mr. John Copp, Mr. Thomas Fitch, Mr. Richard Osborn, Mr. John Gregory, Capt. Samuel Couch, Capt. John Hawley, Mr. Thomas Bennitt, Capt. William Preston, Mr. Andrew Burr, to be Justices of the Peace in the county of Fairfield.

This Assembly do appoint Joseph Curtice, Esq^{r}, John Sherman, Esq^{r}, Mr. Joseph Bishop, Capt. Joseph Minor, Mr. Edmund Lewiss, Capt. Joseph Platt, Capt. Moses Dimon, to be of the Quorum in the county of Fairfield.

This Assembly do appoint Capt. Timothy Peirce, Mr. Joshua Ripley, Mr. Thomas Huntington, Mr. Joseph Addams, Mr. Eben^{z} West, Capt. John Fitch, Mr. Joseph Strong, Major John Sabin, Mr. Joseph Levinz, Capt. John Woodward, to be Justices of the Peace in the county of Windham.

This Assembly do appoint Mr. Joshua Ripley, Mr. Tho. Huntington, Mr. Joseph Addams, Mr. Eben^{z} West, to be of the Quorum in the county of Windham.

Upon consideration of the petition of the inhabitants of Symsbury: Resolved by this Assembly, that Capt. William [578] Wadsworth, Capt. John Shelding, || and Mr. James Church, they or any two of them, be a committee to repair to Symsbury and consider the circumstances of the town, and to draw a line for the dividing said town into two societies, and also to state the place for the setting the meeting houses, and make their report to this Assembly at their present sessions, or at their sessions in October next.

The salary for our agent, Jeremiah Dummer, Esq^{r}, having been omitted the last sessions, [which] hath been the time usual to grant it, this Assembly do grant unto Jeremiah Dummer, Agent for this Colony, one hundred pounds out of the publick treasury of this Colony; and the Governour is desired to draw the said hundred pounds out of the treasury, and dispose of it to the agent or his orders.

This Assembly do establish and confirm Mr. Stephen Prentts of New London to be Captain of the fourth company or train-

band in the town of New London aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Calkins of New London to be Lieutenant of the fourth company or trainband in the town of New London, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Dan[ll] Lester of New London to be Ensign of the fourth company or trainband in the town of New London aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Wells of Stratford to be Captain of the south company or trainband in the town of Stratford aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abell Birdsey of Stratford to be Lieutenant of the south company or trainband in the town of Stratford aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Henry Woodward of Lebanon to be Ensign of the company or trainband in the north society in the town of Lebanon aforesaid, and order he be commissioned accordingly.

A List of the Additional Estate brought in to this Assembly, to be transmitted to the Treasurer and added to the List of Estates delivered in to this Assembly in October last.

Additions.

	l.	*s.*	*d.*
Stonington,	297	17	6
Hebron,	76	00	0
Canterbury,	25	19	0
Wethersfield,	984	10	0
Norwich,	2636	6	6
Woodbury,	116	13	0
Colchester,	325	07	0
Killingsworth,	44	00	0
Stratford,	266	08	0
Danbury,	58	02	0
New London,	287	04	6
Haddam West,	108	12	6
Fairfield,	2123	10	0
Windham,	500	00	0
Symsbury,	106	09	0
Lyme,	99	03	6
Seybrook,	68	00	0
Milford,	294	13	0
Windsor,	905	13	0

Fourfold assessments.

	l.	*s.*	*d.*
Stonington,	1591	04	0
Canterbury,	499	04	0
Norwich,	728	00	0
Branford,	244	00	0
Killingsworth,	120	00	0
Danbury,	585	00	8
New London,	311	10	0
Fairfield,	574	04	0
Windham,	65	10	0
Symsbury,	535	04	0
Milford,	1140	18	0
New Haven,	282	00	0

Additions, single.

Midletown,	144	03	0
Derby,	248	10	3
Farmington,	265	00	0
Assessment,			
Windsor,	90	00	0

[579] This Assembly, being informed of the great and encreasing custom at the ferry dividing between Milford and Stratford, whereby it becomes very needful that a ferry-boat be kept on each side of the ferry, do grant unto the town of Milford liberty to set up and keep a ferry-boat on the east side of the ferry, for the better conveniency of travellers in their passing and repassing the said ferry, to be under the same regulations with respect to the fare thereof as is provided for the same ferry on the west or Stratford side.

An Act in Addition to an Act intituled An Act against Fornication and Bastardy.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as any married persons shall be accused and brought to tryal before any county court for committing fornication with each other before marriage; if such persons shall at their tryal plead guilty, [they] shall suffer but the one half of the penalty by law ordered against such offenders, and the court shall give sentence accordingly; any law, usage or custom to the contrary notwithstanding.

Christopher Christophers, Hez. Brainerd and John Hooker, Esq^{rs}, or any two of them, are appointed with Capt. Jos. Hawly, Capt. Roger Newton, Mr. Giles Hall, Mr. Edmund Lewiss, to adjust the Colonies accounts with the Treasurer.

Upon the report of James Wadsworth and Joseph Whiting, Esq^{rs}, shewing to this Assembly that the heirs of Joseph Stannerd, sen^{r}, formerly of Seybrook, deceas'd, have agreed that the court of probate in Guilford should grant administration upon the estate of the said deceas'd, and the same be settled by said court in due form of law, and that there shall be no appeal from the doings of said court: This Assembly order that said agreement be kept upon file in the secretaries office, and that said court of probate grant administration upon said estate according to said agreement, and that the same be thereupon divided accordingly, and that the improvements and sales of the respective heirs in the division of said estate be so far regarded as their respective shares will allow of. And all persons concerned in said estate shall by the doings and settlement of said court of probate be concluded and determined; and no appeal shall be allowed by said court.

Ordered by this Assembly, That the north parish in the town of Guilford be called by the name of North Guilford.

Liberty is by this Assembly granted unto Samuel Gilbert, administrator on the estate of Capt. Joseph Way, late of Lyme, deceas'd, together with George Way, brother of said deceas'd,

to make sale of so much of the real estate of said deceas'd as may be sufficient to discharge the sum of fifty-three pounds four shillings and two pence, debts due from said estate more than the moveable part thereof amounts to, with the allowance and approbation of the court of probate for the county of New London.

Upon the petition of Mrs. Elizabeth Whiting of Windham, shewing to this Assembly that the Hon^{ble} Joseph Talcott and Mr. William and Joseph Pitkin of Hartford, and Mr. Sam^{ll} [580] Whiting, late || of Windham, deceas'd, being seized as tenants in common of a certain tract of land containing one hundred acres, lying in the mile and quarter and in the township of Coventry, and is bounded west on land of Daniel Badcock, southerly on Hopp River, and north on land of Tho. and Daniel Buckingham, and east partly on said Buckingham's land and partly on land of John Sprauge, and they, being seized as aforesaid, did by a deed dated March 14th, 1724, in the name of said tenants, and well executed by the said Joseph Talcott and William and Joseph Pitkin, convey the said land to Robert Badcock of Coventry, and he, the said Samuel Whiting, dyed before he had opportunity to execute the said deed; and therefore praying this Assembly to authorize and impower her, the said Elizabeth Whiting, to execute the said deed: This Assembly do therefore authorize and impower the said Elizabeth Whiting to sign, seal and acknowledge the said deed, which shall be as full assurance unto the said Robert Badcock for his holding the said land to him and his heirs and assigns forever, as if the said Samuel Whiting had executed said deed in his life time.

This Assembly do establish and confirm Mr. William Dudley of Guilford to be Captain of the company or trainband at the north parish in the town of Guilford aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Hopson of Guilford to be Lieutenant of the company or trainband at the north parish in the town of Guilford aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Stone of Guilford to be Ensign of the company or trainband at the north parish in the town of Guilford aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Hickcox of Waterbury to be Captain of the company or trainband in the town of Waterbury aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Brunson of Waterbury to be Lieutenant of the company or trainband in the town of Waterbury aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Judd of Waterbury to be Ensign of the company or trainband in the town of Waterbury aforesaid, and order he be commissioned accordingly.

This Assembly upon the petition of Hannah Woodward, administratrix on the estate of Joseph Woodward, late of Canterbury, deceas'd, do allow and impower the petitioner and the selectmen of the town of Canterbury, to sell so much of the real estate of the deceas'd, at the direction of the court of probates in said Windham, as will raise the sum of twenty pounds currant money; said money to be laid out in paying the debts due from the estate of the deceas'd, the remainder in defraying the charges that have already arisen or may arise, in supporting the sick child, according to the direction of the petitioner and selectmen of said town; and make return of their doings thereon unto the said court.

This Assembly do fully impower the county surveyours in the several counties in this Colony for the time being, to administer the oath provided by law to such persons as shall be improved to assist any such surveyour in carrying the chain.

[581] Whereas there is now in the hands of Joseph Backus, Esq^{r}, one hundred and ten pounds and ten shillings in bills of publick credit, and two guineas, which he and Mr. Sprauge received for lands they sold in Voluntown by order of this Assembly: It is resolved, that he, the said Joseph Backus, Esq^{r}, do deliver the said bills and guineas to the Treasurer of this Colony, taking his receipt for the same, and that he lodge the receipt with the Secretary; and the Treasurer is ordered to pay out the said bills to answer the publick debts of this Colony as shall be passed upon him by lawful orders, and the guineas upon the special order of this Assembly.

This Assembly grant liberty unto the inhabitants of the north parish in Lyme to imbody themselves into church estate and to settle an orthodox minister amongst them, with the approbation of the neighbouring churches.

Upon the memorial of Benjamin Lewiss, jun^{r}, of Stratford, praying this Assembly to grant him liberty to take out a patent for two hundred acres of land lying at Weatouge, on the west side of Owssatunnuck River, said two hundred acres being originally granted to Mr. Moses Noyes, of Lyme, surveyed

and laid out unto Col^{o} W^{m} Whiting, and conveyed unto said Lewiss by said Whiting, by a deed well executed under the hand and seal of said Whiting, dated November 9th, 1725: This Assembly grants that the said Lewiss may have a patent of the abovesaid two hundred acres of land, well executed by the Hon^{ble} the Governour and Secretary, under the seal of this government, according to law.

Upon the memorial presented by John Chandler, jun^{r}, and George Leonard, *contra* John Hascall, of or adjacent to Kellingley, praying this Assembly to grant a patent for five hundred acres of land lying between the line dividing the Massachusetts and Connecticutt Colonys and Woodward and Safferys line to the Massachusetts Colony or corporation, for their having and enjoying the same. The memorialist shewing to this Assembly a vote of the Lower House of Representatives, dated December 13th, 1726, attested by W^{m} Dudley, Speaker, concurred to in Council December 29th, 1726, signed *per* J. Willard, Secretary, and consented to by W^{m} Dummer, attested to be a true copy by J. Willard, Secretary, appointing Major Chandler and Major Leonard to be a committee, authorizing them to apply to this Assembly for further confirmation of the said lands;—the defendant took exception against the evidence of their authority, being without the seal of the corporation, and further alledged that the memorial was formed and signed in their own names, and not in the name of the government which gave them their authority. The question being put, whether the evidenee of the memorialists authority were sufficient: Resolved in the negative.

This Assembly do establish and confirm Mr. Edward Bulkley of Wethersfield to be Captain of the company or trainband at Stepney Parish in the town of Wethersfield aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jacob Williams of Wethersfield to be Ensign of the company or trainband at Stepney Parish in the town of Wethersfield aforesaid, and order he be commissioned accordingly.

Whereas Daniel Hubbard, late constable of Guilford, representing to this Assembly that he had left in his hands, after he had made up his accounts with the Treasurer, the sum of eight pounds sixteen shillings and six pence: It is now ordered that the said Daniel Hubbard do deliver the said [582] money ‖ to the Treasurer, taking his receipt for the same, and deliver the said receipt to the Secretary, which receipt shall be the constables discharge; and that the Treas-

urer account with the present auditors for the sum aforesaid, as other rate bills brought in by the last years constable.

This Assembly do establish and confirm Mr. David Buell of Killingsworth to be Captain of the west company or train-band in the town of Killingsworth, and order he be commissioned accordingly.

Upon the petition of Rebekah Norton, relict of Mr. Thomas Norton, late of Seybrook, deceas'd, praying this Assembly that she may be enabled to make a conveyance of about twenty-five acres of land which her deceas'd husband in his lifetime sold by way of exchange to Mr. Jonathan Parker of said Seybrook, which land lyes at a place in said Seybrook called Old Mares Hill, according to said bargain, each of them entered and improved said lands; also that she may be impowred to receive a conveyance from the said Parker of the said twenty-five acres of land as set forth in the said petition, at a place called Vine Hill: This Assembly fully impower the said Rebekah Norton to execute a deed of conveyance to the said Jonathan Parker of said land, which shall be for his sure holding of the same to him, his heirs and assigns forever; also the said Rebekah Norton is hereby impowred to receive a deed of conveyance from said Jonathan Parker of the said twenty-five acres exchanged as aforesaid, which shall be for the sure holding of the same to the heirs of the said Thomas Norton, their heirs and assigns forever.

Upon the petition of Margarett Sage, widow and relict of Timothy Sage, late of Midletown, deceas'd: This Assembly grants liberty to said Margarett Sage and Hugh White, of Midletown, to sell so much land of the estate of the said Timothy Sage, deceas'd, at the direction of the court of probates in Hartford county, to the value of thirty-nine pounds six shillings and four pence; said land to be posted on the sign post in said Midletown twenty days before the sale, to invite customers, and to be sold at a publick vendue at said sign post to the highest bidder.

Upon the petition of Sarah and Joseph Robbins, of Lyme, administrators on the estate of Joseph Robbins, late of said Lyme, deceas'd, praying this Assembly to enable them to sell so much land of the said deceas'd as will amount to the sum of twenty-seven pounds three shillings and two pence, in order to pay the just debts of said deceas'd: This Assembly do fully impower the said Sarah and Joseph Robbins to sell so much of the land of said deceas'd, with the direction of the court of probates in New London, as to make the aforesaid sum of twenty-seven pounds three shillings and two pence, (including

the charges of this petition and of the sale of the said lands,) and that a deed under the hand and seal of the said Sarah and Joseph Robbins shall be given to the person or persons purchasing, for his sure holding the same to him, his heirs and assigns forever.

Upon the petition of Joseph Backus, setting forth that by a mis-entry of the county clerk in the county of New London, in an action of debt brought upon a bond against Joseph Lothrop of Norwich, junr, that he, said Backus, had been wronged one hundred pounds, for that in said action said Lothrop confessed judgment against himself for the sum of one hundred and sixty-two pounds, &c., but the clerk entered the sixty-two pounds, omitting the hundred pounds; all which is acknowledged by Mr. Bissell, attorney to said Lothropp: [583] Whereupon this || Assembly do order and direct the county court to be holden at New London upon the second Tuesday of June next, to cause their clerk to send forth execution for the sum of one hundred pounds, together with the interest for said sum from the 24th of August last past unto the said day of June, to be levied upon the estate of said Lothrop in due form of law, so that the whole sum confessed as aforesaid may be recovered by said Backus, according to the true intent and meaning of the said confession and judgment thereupon. *Cost allowed petitioner is* £1 18*s*. 4*d*. *Ex. granted July* 25*th*, 1727.

This Assembly do establish and confirm Mr. Joseph Beckwith of Lyme to be Captain of the east or second company in the town of Lyme aforesaid, and order he be commissioned accordingly.

Upon the petition of Thomas Lee, in behalf of the inhabitants of the east society in Lyme, shewing that this Assembly did in their session in May, 1722, grant a tax for two years of one penny on the acre on all the unimproved land and such as had not then been improved four years lying within four miles of the meeting house, and there being no person appointed to collect the same, this Assembly do now appoint Mr. Thomas Lee a collector therefor, who is hereby endowed with full power as other collectors of rates are, and to be improved to the use for which it was granted.

Whereas thrô the multiplicity of suits in the county of Hartford the superiour court there hath not (within the time allowed by act of Assembly for ordinary sitting of said court,) been able to try all the actions brought before them, therefore said court at their last sitting did adjourn unto the third Tuesday of this instant May: and forasmuch as there is no allow-

ance for the support of said court, no further than for the stated weeks mentioned in aforesaid act: Whereupon this Assembly do now order that the judges of said court shall have the same allowance, according to the time they shall hold said adjourned court, as hath been already established by this Assembly for the stated courts.

Abram Chidsey of New Haven, administrator of the estate of Mr. Ebenezar Chidsey, late of New Haven, deceas'd, having shewn unto this Assembly that the debts due from said deceas'ds estate and allowances made to the widow by the judge of probates in New Haven do exceed the value of the moveable estate of the deceas'd the sum of fifty-four pounds nineteen shillings and nine pence, and moving that so much of the real estate of the deceas'd may be sold that the administrator may be enabled to pay the sum aforesaid: Whereupon this Assembly authorize and fully impower the said Abram Chidsey, to make sale of so much of the real estate of the deceas'd, at the direction of the judge of probate in New Haven, as shall produce the sum aforesaid with the necessary charges of sale thereof.

This Assembly grant to his Honour the Deputy Governour twenty pounds, to be added to his salary this currant year.

Upon the memorial of the proprietors inhabitants of the town of Ridgefield, shewing to this Assembly that they are likely to suffer great loss and damage by reason of part of their townships being cut off by the dividing line between New York and Connecticutt governments, and praying that a small tract or gusset of country land lying northward of said Ridgefield, westward of Danbury, and eastward of the said line where it shall be when run, may be granted to them [584] as an equivalent for the loss and damage abovesaid: ‖ This Assembly do defer giving any answer thereto till the said dividing line shall be ascertained, and in the mean while do prohibit the taking any part of those lands on the account of any grants made by this Court to any persons whatsoever, without the special order of this Assembly: Whereupon this Assembly do hereby strictly prohibit and forbid all surveyours or other officers whatsoever from surveying and laying out any grant or grants on any part of the said lands without the special order of this Assembly, until the said line be ascertained as aforesaid.

Capt. George Allyn of Milford, captain of the troop in New Haven county, having by a memorial laid before this Assembly, representing that the listers in Milford have listed fourfold the troopers horses in said Milford, supposing them not to be

exempted from the list unless the troopers are duly furnished in all points according to law, and moving for relief therein: Whereupon the question was put, whether it was in the province of the listers of Milford to fourfold the troopers horses of said town upon said troopers not being equipt according to law: Resolved in the negative.

This Assembly do establish and confirm Mr. John Stoddard of Litchfield to be Ensign of the company or trainband in the town of Litchfield aforesaid, and order he be commissioned accordingly.

Upon the petition of Thomas Gilbert of Oronoque in the township of Stratford, for liberty to set up a ferry at the said Oronoque, about four miles northward of the ferry called Stratford ferry: This Court grant unto the said Thomas Gilbert the liberty or priviledge of setting up a ferry for the transportation of passengers across the river called Oronoque River, during the pleasure of this Court, and order that the fare shall be the same with the fare appointed for Stratford ferry.

This Assembly do establish and confirm Mr. Abram Post of Seybrook to be Lieutenant of the — company or trainband in the town of Seybrook aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Sam[ll] Bushnell to be Ensign of the — company or trainband in the town of Seybrook, and order he be commissioned accordingly.

Whereas this Assembly is informed that many of the Indians in this government put out their children to the English, to be brought up by them, and yet sundry of the persons having such children do neglect to learn them to read and to instruct them in the principles of the christian faith, so that such children are still in danger to continue heathens: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That every person in this Colony that hath taken, or shall take, any of the Indian children of this or the neighbouring governments into the care of their families, are hereby or- [585] dered ‖ to use their utmost endeavour to teach them to read English, and also to instruct them in the principles of the christian faith by catechising of them, together with other proper methods. And the selectmen and grandjurors in the respective towns shall make diligent enquiry, whether the Indian children that are or may be put out as above, are by their masters or mistresses that have the care of them instructed and taught as abovesaid. And if upon enquiry the said offi-

cers shall find that any such master or mistress hath neglected their duty herein, after due warning given, then said officers, or any two of them, shall inform the next assistant or justice of the peace, upon which the said authority shall summon such master or mistress so informed against, to appear before them; and if upon examination it appear that said master or mistress hath neglected to instruct any Indian child or children put to them as aforesaid, they shall be fined at the discretion of said assistant or justice, not exceeding the sum of forty shillings, to be to the use of the school in the town where the master or mistress lives.

Ordered, That Mr. John Whiting, Treasurer, pay out of the treasury to David Peck of Greenwich the sum of five pounds eight shillings and six pence, for defraying his cost about a stranger that was taken sick and dyed at his house in November last.

Upon the petition of Abram Bishop of Guilford, administrator on the estate of Sarah Bishop late of said Guilford, deceas'd, shewing to this Assembly that Capt. Stephen Bishop late of said Guilford, deceas'd, did in his life time pass over by a mortgage deed unto his daughter Elizabeth Bishop a certain piece of land lying in the township of Guilford aforesaid, and the said Capt. Bishop dyed before he had paid said money mentioned in the proviso of said deed; and since the said Elizabeth Bishop is also deceas'd. and hath left several children in their infancy; and that the land is of much greater value than the sum mentioned in the deed aforesaid with the lawful interest; and therefore praying this Assembly to authorize and impower some meet person, taking the approbation of the court of probate in Guilford aforesaid, to sell so much of said land as to pay the said money contained in said mortgage deed: This Assembly do therefore authorize and fully impower the said Abram Bishopp and Mr. Caleb Leet of Guilford aforesaid, or any one of them, by the direction of said court of probate, to sell so much of said land as shall be sufficient to procure the sum aforesaid; and to execute a lawful deed or deeds thereof, which being executed as aforesaid shall be a good assurance to the party purchasing the same, and to his heirs and assigns forever. And any or either of the guardians to the children of the said Elizabeth Bishop are hereby ordered to receive said money as the estate of their minors, and are also hereby fully authorized and impowred, upon the receipt of the money aforesaid, to make and execute a lawful instrument, which shall be sufficient to bar and exclude the heirs of the aforesaid Eliz. Bishop forever after from any right,

title or property in the said land by virtue of the mortgage deed aforesaid.

This Assembly do establish and confirm Mr. Benjamin Benidict of Ridgfield to [be] Lieutenant of the company or trainband in the town of Ridgfield aforesaid, and order that he be commissioned accordingly.

[586] Upon the petition of John Gallop and sundry other of the inhabitants of the town of Voluntown, complaining of some irregular proceedings of the inhabitants of said Voluntown at their meeting May 2d *anno Dom.* 1727, in admitting of inhabitants: Upon a full hearing of the parties, this Assembly have considered that the said town were by this Assembly May 11th *anno Dom.* 1721, allowed to have and exercise the powers and privileges of choosing their own officers and carrying on their own affairs as other towns in this Colony by law are impowred: It is also considered that towns have the right by law to judge of the qualifications, and, consequently, the power of admitting their inhabitants. It is thereupon the opinion of this Court, that the admission of said inhabitants was irregular and against the rules of law in that case provided, and do thereupon declare the same to be void, and all other votes, after the admission aforesaid, by them in said town meeting made, to be null and of no force. And whereas it is represented to this Assembly, that there is a considerable neglect in improving the money raised by the tax granted by this Assembly on the land in said Voluntown, May, 1721, and also the building a meeting house in said town is laid aside, or not prosecuted according to the expectation of this Assembly: This Assembly do now therefore authorize, appoint and fully impower, Capt. Joseph Addams, Capt. Jabez Perkins, and Mr. Richard Abbey, to be a committee, they or any two of them, to call the collectors or receivers of said tax to account with them for the moneys so collected and gathered by the said collectors or receivers, and receive of them the money from time to time, and see that it be improved to the uses it was granted. And if the said town of Voluntown shall neglect, after notice given them of this act, to carry on and build such house for the publick worship of God in said town, in the place where it was last stated by this Assembly, that then the said committee shall have the oversight of building said house, and give the needful orders therefor from time to time, and defray the charge thereof, as well as of their own expences, out of said tax.

Upon the memorial of Christopher Christophers, attorney to William and Abigail Stacy, late Abigail Dixwell, relict of

John Dixwell, late of Boston, deceas'd, and sole administratrix on his estate, representing that the debts and charge of administration surmounts the personal estate of said deceas'd three hundred and two pounds three shillings and two pence, and praying for liberty to sell one hundred acres of land which lyes in this Colony, being the whole of the real estate, to answer the said debts: This Assembly grants liberty to the aforesaid administratrix and her present husband, William Stacy, to sell one hundred acres of land at Midletown in this Colony, appertaining to the said estate, to satisfy such debts as remain due from said estate more than the personal estate amounts to.

Upon the prayer of Israhiah Wettmore of Midletown, to whom this Assembly in October last granted the ferry across Connecticutt River in Midletown: This Assembly do now grant that the fare of said ferry, during the time the said ferry [587] is granted || to the petitioner, shall be, from the last day of October to the first day of May annually, for man, horse and load, twelve pence; and for the single person or single horse, four pence; any former law, usage or custom to the contrary notwithstanding.

Upon the petition of John Rogers of New London, shewing to this Assembly that he purchased a parcel of land of the Governour and Company of this Colony, near Alewive Plain in New London, for which he had a deed dated February 24th, 1714–15, and that since that time Joshua Wheelar has recovered final judgment against him for said lands; and thereupon praying this Assembly that he may be paid twenty pounds out of the publick treasury as a recompence for his cost and trouble in purchasing and defending said lands, which sum the said Rogers declared would be a full satisfaction to him: This Assembly do thereupon order that the said John Rogers shall receive out of the publick treasury the sum of twenty pounds, in full satisfaction for his costs and trouble about said lands.

This Assembly observing the growing inconveniency on this government by means of too many taking in hand, bearing up or upholding of quarrels and sides, to the disturbance of the common right, and the peace and quiet of the good people in this government, which tendeth to their impoverishment by the mispence of time and treasure: Which to prevent,

Be it enacted and declared by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all bargains, sales, leases or other alienations for years, life, lives, or forever, or for any other term or time whatsoever, of any lands, tenements or hereditaments, within this his Majesties Colony of Connecticutt, where-

of the lessor, vendor, grantor, or that does otherways execute any instrument in writing for the transferring any right or title to any lands, tenements or hereditaments, to another person or persons, the present possessor thereof only excepted, is disseized or outed of the possession thereof by the entry, possession and improvement of any other person or persons, or that does claim or challenge to have right or title to any lands, tenements or hereditaments, by force and virtue of any title or claim aliene from and in opposition to the title granted by the royal charter to this his Majesties corporation, and not warranted by the laws of this Colony, shall be null and void, and of no effect in the law for the transferring and conveying any of the pretended rights or titles above described, to any person or persons whatsoever.

And be it further enacted by the authority aforesaid, for the more effectual preventing the mischief aforesaid, That whosoever shall attempt, by any instrument in writing under his hand, to alienate any of the claims or rights above described, in any such manner as is above declared to be void and ineffectual in the law, or shall receive any conveyance thereof to him or them, shall forfeit one-half of the value of the lands attempted to be alienated as aforesaid; to be recovered by bill, plaint or information, in any court proper to hear and determine the same; whereof the one-half shall be to the informer that shall prosecute the same to effect, and the other half of the penalty to the treasury of this Colony.

Upon the prayer of Moses Ward of Fairfield, church-warden, and the rest of the church-wardens, vestry-men and brethren, representing themselves under obligation by the Honourable Society and Bishop of London to pay to the support of the established church, praying this Assembly, by some act or otherwise, [588] to free them from paying to dissenting ministers ‖ and for the building dissenting meeting-houses, and complaining that money has been lately taken from them by distress, praying that the said money might be returned unto them. The said Ward appeared, and by his attorney declaring to this Assembly that he should not insist on the return of the money prayed for; asserted it to have always been esteemed as an hardship by those of the profession establisht by this government, to be compelled to contribute to the support of the church of England, where that is the church establisht by law; and thereupon urged that no such thing should be here imposed upon any dissenting from the churches here approved and establisht by the law of this government; further urging, that there might be some provision made by the law for the obliging their parishioners to pay to the support of their ministers:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all persons who are of the church of England, and those who are of the churches established by the laws of this government, that live in the bounds of any parish allowed by this Assembly, shall be taxed by the parishioners of the said parish by the same rule and in the same proportion, for the support of the ministry in such parish: but if it so happen that there be a society of the church of England, where there is a person in orders according to the canons of the church of England settled and abiding amongst them, and performing divine service, so near to any person that hath declared himself of the church of England that he can conveniently and doth attend the publick worship there, then the collectors, having first indifferently levied the tax as abovesaid, shall deliver the taxes collected of such persons declaring themselves and attending as aforesaid, unto the minister of the church of England living near unto such persons; which minister shall have full power to receive and recover the same, in order to his support in the place assigned to him. But if such proportion of taxes be not sufficient in any society of the church of England, to support the incumbent there, then such society may levy and collect of them who profess and attend as aforesaid, greater taxes at their own discretion, for the support of their minister. And the parishioners of the church of England, attending as aforesaid, are hereby excused from paying any taxes for building meeting-houses for the present establisht churches of this government.

Upon the memorial of John Read of Lone Town, shewing to this Assembly that he gave in his publick list to the listers of Danbury in the year 1726, after the time prefixed by law to give in lists, and that the said listers fourfolded him thereupon, and praying a drawback thereof, so that he may pay according to the list he gave in: This Assembly do thereupon grant a drawback, and oblige him to pay his rates only.

Upon the memorial of Hannah Richards of Waterbury, widow, relict of Thomas Richards, late of Waterbury, deceas'd, shewing to this Assembly that her late husband, the said Thomas Richards, in his lifetime, by way of exchange did procure of his brother John Richards eight acres of land lying in the midst of his land at Judd's meadow, being the place where the said Thomas Richards lived; for which eight acres of land [589] the said Thomas Richards let || the said John Richards have two pieces of land, both being in Waterbury aforesaid, one piece whereof, containing three acres, lying in Munhan

meadow and is bounded westerly on the river, easterly on the hill, northerly on Nath. Arnold's land, and southerly on a lot called Jones lot; the other piece lying upon the hill against the said three acres, and is bounded every way by common land: Also that the said Thomas Richards did in his lifetime sell his right in his father Richards' home lot in said Waterbury, to Ephraim Warner, of said Waterbury, which right contains about the seventh part of one acre, and of very small value to the said Thomas Richards; and thereupon praying that upon the said John Richards giving a sufficient deed of said eight acres of land to the heirs of said Thomas Richards, some meet person, taking the approbation of the probate in Woodbury, might be fully impowred to give said John Richards a sufficient deed of the said two pieces of land, according to exchange made by John and Thomas abovementioned, and also to give Ephraim Warner a deed of said small piece of land: This Assembly do thereupon authorize and fully impower Capt. Thomas Judd of Waterbury, to make and execute good and ample deeds of said two pieces of land to said John Richards, on the conditions aforesaid; and also make and execute a good ample deed of said small piece of land to said Warner; which deeds, so made and executed, shall be good and valid to the firm holding said land, with the appurtenances, to the persons respectively to whom the same is made, their heirs and assigns forever.

Upon the petition of Jonathan Bates of Stanford, against Doctor Moon: It is resolved by this Assembly, that execution against the said Bates, in favour of said Moon, shall be suspended till the session of the next superiour court at Fairfield; and that then, if the said Bates deposit into the hand of the clerk of that court a sum of money sufficient to satisfy to the said Moon the final judgment of which the said Bates now in his said petition complains, with the lawful interest thereof, the said Bates shall have then and there a new tryal of the cause; and the court as they shall see needful, as in some other cases, may appoint auditors. And if the judgment shall be in favour of the said Moon, the clerk shall deliver to him, his attorney or order, the money deposited as aforesaid, as shall answer the said judgment and costs, and return the remaining part of said money, if any there shall be, to the said Bates, and shall underwrite the former judgment aforesaid satisfied. And the said Moon shall recover of the said Bates, upon the said new tryal, whatsoever shall be found due to him from the said Bates above what he formerly recovered of him, and also his just costs of the aforesaid new tryal. But if the judgment shall be in favour of said Bates, he shall recover his

costs of said new tryal, and the clerk shall return him his money so deposited, and the former judgment shall be utterly void. Always provided, that the said Moon, or his attorney Mr. William Addams, have a copy of this act delivered or tendered to either of them before the last Monday of July next. Provided also, that the said Bates pay unto the said clerk of the superiour court, at the same time that he deposits the sum to answer the former judgment, the sum of six pounds fourteen shillings, to answer the former costs; which said six pounds fourteen shillings shall be for the use of the said Moon.

Whereas this Assembly did appoint Capt. James Wadsworth, Capt. Jn° Hall and Hez. Brainerd, Esq^rs, a committee to lay out the western lands in this government, and Hez. Brainerd, Esq^r, being by the providence of God taken off by death: This Assembly do now appoint Capt. Joseph Whiting, (in the said Brainerd's room,) any two of them to have power to act in said affair in the behalf of this government.

[590] An Act in Explanation of and Addition to the Law entituled An Act for the Settlement of Intestate Estates, particularly that Clause in the fifth Paragraph, in these Words, viz. The Residue both of real and personal Estate equally to every of the Next of Kin of the Intestate, in equal Degree.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That in the distribution of the personal estate, is and shall be understood, construed and intended, by the said words (Next of kin in equal degree,) those persons which are next in the line ascendant and transverse (*i. e.*) accounting the father in the first degree ascendant, and the brother in the first degree transverse, and so onward, without any distinction to be made in the quantity, that is, the totality or partiality of the blood.

And in the descent, division and settlement of estates of inheritance or real estate, where any settlement of any real estate re nains yet to be done, and at all times hereafter when any debates shall arise among the next of kin to the intestate, about the settlement of the real estate aforesaid,

It is hereby enacted and ordained, That the said real estate which came to the intestate by descent, shall descend to and be settled upon the whole blood and half blood equally, without distinction, when it shall happen that those of the half blood are of the blood of the ancestor to the intestate from whom the estate descended. And on the contrary, (*i. e.*) when the half blood is not of the blood of the said ancestor, the half blood shall not be admitted to divide the inheritance with the whole blood in the same degree. But in case the real estate came to the intestate by purchase, the totality or partiality of the blood shall not be considered.

And it is further provided, That if there be none in equal degree of kindred with the half blood in the line transverse as aforesaid, the half blood shall be admitted to inherit.

And it is further provided, That the next degree of kindred in the line transverse shall be admitted to the inheritance before the next degree of kindred in the line ascendant; and the next degree of kindred in the line ascendant shall be admitted to the inheritance before a remoter degree in the line transverse, (*i. e.*) the brothers and sisters shall inherit before the parent, and the parent, from whom the intestate descended, shall be admitted before the uncle or cousin german, or brothers children; and the brothers children before the uncle. And in the like manner the remoter degrees of kindred shall inherit.

An Act to prevent distilling of Molasses into Rum.

Whereas sundry persons in this government attempting to distill and draw off spirits from molasses, to the great damage of his Majesties subjects; for that by said practice molasses is made scarce and dear, and the spirits drawn off therefrom is usually very unwholsome, and of little value: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any person or persons shall distill and draw off any rum or spirits from molasses, they shall pay as a fine to the publick treasury the sum of three shillings per gallon for every gallon of rum or spirits that shall be drawn off as aforesaid. And the several constables and grandjurors in the respective towns shall make diligent enquiry in their precincts, of all breaches of this act, and give information to the next assistant or justice of the peace against all and every person and persons that they, or any two of said officers, shall be satisfied [591] are guilty ‖ of the breach of this act; which authority shall by writ require such person or persons so informed against, to appear before him or them. And if, upon examination, the said assistant or justice shall see a probability of the complaints being proved, if the quantity distilled be such as that the penalty will exceed the sum of forty shillings, the said assistant or justice shall bind him or them over to the next county court in the county, to answer for the same; otherways the said assistant or justice shall proceed to sentence him or them to pay the penalty aforesaid.

Upon the petition of Charles Buckland against Dan^{ll} Dickingson and Benjamin Roberts, complaining of the said Roberts and Dickingson for their unjust withholding from him, said Buckland, one certain lease of land for the term of nine hundred and ninety-nine years: This Assembly are of opinion,

that the said Dickingson and Roberts have in an unjust manner withheld said lease: Whereupon it is resolved by this Assembly, that the said Dickingson and Roberts shall pay to the petitioner the sum of five pounds fourteen shillings and two pence, in equal proportion. *Ex. granted, June 12th*, 1727.

An Act for emitting Bills of Credit for the Payment of the Publick Debts of this Colony.

Whereas there is in the hands of the Treasurer the sum of one thousand two hundred and fourteen pounds eighteen shillings and nine pence, of good bills fit for further service, which was brought in by the rate granted October, 1725, and are lodged in the treasury for the further disposal of this Assembly,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Treasurer shall be, and he is hereby authorized and impowred, to issue out and deliver the aforesaid sum of one thousand two hundred fourteen pounds eighteen shillings and nine pence, towards the payment of the debts and the necessary charges of this Colony, according to such orders as shall be given him from time to time, according to law.

An Act for ascertaining the Towns Brands hereafter mentioned.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the towns hereafter mentioned shall have a town brand, to brand their horses and other creatures, which shall be the letters and figures hereafter made: that is to say, for Lebanon, 4, Coventry, ⊔, Canterbury, -C, Durham, ID, Danbury, II, Kellingly, ⋊, Groton, 2, Colchester, △, Hebron, □, Derby, Ð, Mansfield, MM, Pomfret, ⊢, Tolland, ⊥, Stafford, 6, Litchfield, 9, Ashford, 3, Newtown, 7, Ridgefield, ♡, Bolton, Γ, Wellington, ⊟, New Milford, ⊥.

Whereas there is a certain tract of land in this Colony, bounded south upon Mansfield, east on Ashford, north on Stafford, and west on Willamantick River, which this Assembly have ordered to be known by the name of Willington: And whereas this Assembly be well certified that there is a considerable [592] number of inhabitants and families ‖ now dwelling on said tract of land, and that said tract of land is sufficient to make a township: Whereupon this Assembly do grant and resolve, that said tract of land shall be one entire town, and shall be known by the name of Willington, and that the same privileges of other towns in this Colony is hereby granted unto them; and the brand for the horses in said town shall be the figure ⊟. And for the setting up and maintaining of the worship

of God in said town, this Assembly grants a tax of eight shillings per every hundred acres of land in said town, and *pro rato* for other quantities, to be paid by the owners and proprietors of said land for the space of four years; the first payment to be made at or before the last day of October next, and so annually on the last day of October till the said four year be fully expired. And this Assembly do hereby appoint Major Roger Wolcott, Esq^{r}, and Mr. Samuel Woodbridge, clerk, a committee, together with two other who the said town shall choose, to make a rate on said proprietors and deliver it to such collector as the town shall choose to collect said tax; and also to call said collector to account, and see that said money be disposed of to the use aforesaid.

Upon the petition of the Reverend Mr. Dan^{ll} Fuller, minister of the gospel, *v.* the people of the west society in Windsor: It is resolved and enacted by this Assembly, that the said society aforesaid shall pay to the said Mr. Fuller fifty pounds for damages within six weeks after the end of the sessions of this Assembly; and that in failure thereof, the Secretary shall send forth execution for levying the same of them or any of them, and cost, which is allowed to be £4 9*s.* 0*d.* *Ex. granted August* 14*th*, 1727.

Whereas William Watkins, an Irishman and a transient person, who was convicted of burglary on the Sabbath day, at the superiour court held at New London in March last, for which he suffered the pains and penalty of the law in such cases provided; and having nothing to satisfy the damages and costs, he was by the aforesaid court ordered to be disposed of in service by the sheriff of the county of New London, to satisfy the cost and damage, not exceeding seven years; and in the mean time the cost, being £12 10*s.* 0*d.* was ordered to be paid out of the publick treasury of this Colony; and no person appearing to agree with said sheriff for the service of the said Wadkins as aforesaid, he still remains in goal in the county of New London, and is like to prove a further charge to this Colony: For the preventing whereof, It is resolved by this Assembly, that Jeremiah Chapman of New London, who recovered a judgment against the said Wadkins at the superiour court aforesaid, for the damages aforesaid, shall have liberty to take the said Wadkins into his service, or otherwise dispose of him in service, for the space of five years, to answer the said damages, being £44; and the sheriff of the said county is hereby ordered to deliver the said Watkins to the said Chapman accordingly. And in case the said Chapman shall refuse to receive or dispose of the said Wadkins as aforesaid, the sheriff

of the said county shall release and discharge the said Watkins from his confinement in the said goal. Provided nevertheless, that if the said sheriff and said Chapman can agree to dispose of the said Watkins in service for the said term of seven years for any lesser sum than is awarded by the judgment aforesaid, they shall, and hereby have liberty so to do; and the said lesser sum for which he shall be disposed of as [593] aforesaid, shall be proportioned between || the said Chapman and the publick treasury of this Colony, according to their interest in the judgment aforesaid and the charge that has since arisen by his confinement as aforesaid.

Whereas upon the death of Hez. Brainerd, Esq^{r}, who was town clerk of the town of Haddam, the said town is destitute of a town clerk; and upon the death of two of the selectmen of said Haddam West, there remains but one selectman living: Resolved by this Assembly, that the said selectman now surviving, or in case of his remove either of the constables of said Haddam West, as soon as may be shall, and they respectively are hereby impowred and enabled, to call the inhabitants together; who when met may proceed to choose such persons as they think fit to fill up such vacancies.

Resolved by this Assembly, That the power of the committee, viz. Major Roger Wolcott and Nathaniel Stanly, Esq^{rs}, and Capt. Thomas Seymor, who were appointed by this Assembly to act in and about the affairs in Litchfield in May, 1725, be continued in its full strength till this Assembly in October next; and said committee are hereby directed to proceed in and finish the work by said act committed to them.

Upon the petition of Eizabeth Easton, administratrix on the estate of Jonathan Easton, late of Hartford, deceas'd: This Assembly do grant said administratrix a new tryal in the action formerly had between said administratrix and John Beauchamp, at the superiour court to be holden at Hartford on the second Tuesday of September next, and order that the whole cost formerly arisen in said tryals be awarded as said tryal shall issue.

Upon the memorial of John Morgan of Groton, in behalf of the Pequot Indians: This Assembly appoint Christoph. Christophers, Esq^{r}, and Capt. Joshua Hempstead of New London, to be a committee to enquire into the grounds of the complaint in said memorial, and make report to this Assembly in October next.

Upon the prayer of Increase Billings, attorney for Henry Eliott of Stonington: Ordered by this Assembly, that it be continued till the sessions of this Assembly in October next,

and that the parties or heirs of Henry Stephens be notified by the petitioner by a copy of said petition.

The report of the committee dividing the town of Symsbury into two societies is ordered by this Assembly to be continued till the sessions of this Assembly in October next.

The prayer of the inhabitants of the parish called New Salem is ordered by this Assembly to be continued till the sessions of this Assembly in October next.

The memorial of John Lyon of Horseneck is ordered to be continued till the sessions of this Assembly in October next.

An act concerning highways across proprietors lands in Branford, is ordered to be continued till the sessions of this Assembly in October next.

Ordered by this Assembly, That Nath[ll] Stanly and Joseph Whiting, Esq[rs], return the thanks of this Assembly to the Reverend Mr. Timothy Woodbridge, of Hartford, for his sermon preached before this Assembly on the eleventh of May instant, and desire he give a copy thereof, that it may be printed.

[594] *Resolved by this Assembly*, That tis consistent with justice that this Assembly allow something out of the publick treasury towards the defraying the charge of the interment of the Worshipful Hez. Brainerd, Esq[r]. This Assembly grant out of the publick treasury to that end and use, the sum of ten pounds.*

The petition of the town of Colchester, *v.* the town of Hebron is ordered to be further continued till the sessions of this Assembly in October next.

Upon consideration had in this Assembly on the petition of the administrators on the estate of Peter Yarrington *v.* John Starkweather: The question was put, whether the prayer of said petition should be granted: Resolved in the negative.

Upon consideration had in this Assembly on the petition of Samuel Buell of Symsbury *v.* Elias Slaughter and Sarah, his wife, of said Symsbury: The question was put, whether the prayer of said petition should be granted: Resolved in the negative. *Cost allowed respondents is* £0 15*s.* 0*d.* *Ex. granted July 17th*, 1727.

Upon consideration had in this Assembly on the petition of Daniel White and Jacob White of Midletown, *v.* Eliza. Savage

* Mr. Brainerd died at the house of Secretary Wyllys, (their wives were sisters, daughters of Rev. Jeremiah Hobart, of Haddam,) after an illness of less than a week, about noon on Wednesday, May 24th, "the same day and time that he was 46 years of age," as Capt. Joshua Hempstead's diary tells us. His gravestone stands in the old burying-ground in Hartford. He was father of David Brainerd, the missionary.

of said Midletown: The question was put, whether they would grant any thing thereon: Resolved in the negative.

On consideration of the errours assigned for reversing the judgment mentioned in the petition of Richard Robbins of Wethersfield *v.* Thomas Hancox of the parish of Kensington: This Assembly are of opinion that the facts found by the jury are insufficient to raise such a question upon, and that there is not any proper question in the law stated for the court to proceed clearly to judgment upon; and thereupon considered that in the said judgment is manifest errour, and that it hereby is reversed, and that there may be a new tryal before the superiour court at Hartford in September next, and that no cost be allowed besides the cost of the last tryal.

Cost allowed Mr. Anthony Stoddard of Boston against Phillip Eastman of Ashford, agent for said town, for attendance at this Assembly to answer the petition of said town of Ashford, is £1 2*s*. 0*d*.

A report of a committee concerning the bounds between the towns of Preston and Voluntown: The consideration thereof is referred till the sessions of this Assembly in October next.

This Assembly do appoint Col° David Goodrich, Mr. Thomas Kimberly and Mr. Jonathan Burnham, (giving notice to the selectmen of the town of Symsbury,) to run and ascertain the west bounds of said town of Symsbury, and that as soon as conveniently they can; to be done at the cost of the town of Symsbury, and if they neglect to pay said cost, the Secretary is ordered to grant out execution to distrain upon the selectmen of the town of Symsbury for the satisfying the aforesaid charge together with his own fees.

This Assembly do appoint Roger Wolcott, James Wadsworth, Esq^rs^, and Mr. Thomas Kimberly, and they are hereby appointed, to look into the north bounds of New Milford, that it may be ascertained, so that our committee for settling our western lands be not hindered in their proceedings.

This Assembly appoint Roger Wolcott, John Hall, Esq^rs^, Mr. Thomas Kimberly, to enquire into and settle the western bounds of Farmington, so that our aforesaid committee may not be obstructed in their work.

[595] Forasmuch as the present sessions of this Assembly has been drawn out to a great length, and several bills that are passed are not yet entered on record: This Assembly do therefore appoint John Hooker and Nathaniel Stanly, Esq^rs^, Mr. Thomas Kimberly, Mr. James Ensign, Capt. Thomas Stoughton, and Capt. Joseph Hawley, to be a committee, and they

are hereby appointed in the name and stead of this Assembly, to hear the records of this Assembly read off when the entries are fully made by the Secretary as perfect and compleat. And this Assembly is hereby adjourned until the Governour, or in his absence the Deputy Governour, shall see cause to call them to meet again.

The acts of this Assembly, as they stand recorded in the preceding pages, was read in the presence of the aforenamed committee, and by them ordered to be signed as perfect and complcat.

HEZ. WYLLYS, Secret'y.

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[268] AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD, MAY 13TH, 1727.

Present, The Honourable Joseph Talcott, Esq., Governour.
The Honourable Jonathan Law, Esq., Deputy Governour.

John Hamlin, Math. Allyn, Roger Wolcott, James Wadsworth, John Hall,	Esq'rs, *Assistants.*	Hez. Brainerd, John Hooker, Nath. Stanly, Joseph Whiting.	Esq'rs, *Assistants.*

Mr. Andrew Burr, sheriff of the county of Fairfield, reported to this board the disadvantages that attended him in sustaining the office of sheriff in the said county of Fairfield, and moved to be discharged from that office, and that some suitable person might be appointed in his stead: It is thereupon resolved, that Mr. Thomas Hanford of Fairfield shall be sheriff, and he is accordingly hereby appointed sheriff of the said county of Fairfield; provided he find sufficient sureties and become bound as the law directs; and his Honour the Gov- [269] ernour is desired to commissionate him accordingly; ‖ and that upon the said Thomas Hanford's receiving his commission, the former sheriff, Mr. Andrew Burr, shall be discharged from the office of sheriff for the said county, and his Honour the Governour is desired to discharge him accordingly.

The said Thomas Hanford, now appointed sheriff of the county of Fairfield, presented himself in Council, together with his sureties, Mr. Andrew Burr of Fairfield, Mr. John Lyon of Greenwich, freeholders in the county aforesaid of good and sufficient estate to become bound with him, pursuant to an act of the General Assembly holden at Hartford the 14th day of May, 1724, entituled An Act for the better regulating the office of sheriff, and safe custody of prisoners.

And the said Thomas Hanford, and Andrew Burr and John Lyon, acknowledged themselves joyntly and severally [bound] in a recognizance of £2000 to the treasurer of this his Majesty's Colony of Connecticutt, that the said Thomas Hanford shall well and truly perform

the duties belonging to the sheriff's office in the county of Fairfield, and pay all damages which any person or persons may suffer by his unfaithfulness or neglect in the same.

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[267] At a Meeting of the Governour and Council in Hartford, May 28th, 1727.

Present, The Honourable Joseph Talcott, Esq., Governour.
The Honourable Jonathan Law, Esq., Deputy Governour.

Samuel Eells,
Christopher Christophers, } Esq'rs, *Assistants.* Mr. John Austin.
Nathaniel Stanly,

Upon consideration had of Mr. Justice Gunn's letter by an express from Milford, dated yesterday, informing that Capt. Josiah Prince of that town is newly arrived from the West Indies, in his sloop, and that he is now sick of the small pox on board the said sloop,

Resolved, That there be no communication allowed between such as are sick or confined, but with leave from authority; and that suitable tenders and nurses, with all other necessaries, be provided by the authority or selectmen of said town, for such of the said vessel's company as are or shall be sick or confined.

That some suitable house, which is at a good distance from any other, be thought upon, and provided for the entertainment of such of said company as are well on board the said vessel, and have not yet had the said distemper, that they may be provided for more conveniently with all necessaries; and that so there may be less danger of the distemper's spreading, than there must needs be if they should be lodged in any place where the houses are close, though the greater care should be taken of them.

That the said vessel be kept at a due distance from the town, and that the authority and selectmen of said town take effectual care that such of the said company as have had the distemper do, in some convenient and secure place, air all such goods as the said authority may judge likely to bring the infection.

That the authority of the said town may allow such goods as are on board the said vessel, of which there is no danger that the infection should be conveyed by them, to be delivered to the owners thereof at their desire.

That the said authority, if they shall judge that there may be need thereof, in order to keep the persons confined within their limits or to oblige the tenders and nurses to such orders as may be requisite and as they shall receive from said authority, shall impress and improve prudent and carefull men, by watching and warding to prevent [268] ‖ as much as may be all such disorders.

That the authority and selectmen of said town shall apply themselves to his Honour the Deputy Governour, who with the said authority and selectmen, are hereby authorized and impowered to give such further orders as they shall think necessary, for the preventing

the spreading of the said infection; and when such length of time has passed away as that they shall judge there is no further hazard, and suitable care has been taken to cleanse the said vessel and her company from the danger of the said infection, they shall discharge the said vessel and company from their confinement.

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[269] At a meeting of the Governour and Council in Hartford, June 13th, 1727.

Present, The Honourable Joseph Talcott, Esq., Governour.

Mathew Allyn, Esq.,
Roger Wolcott, Esq.,
Nathaniel Stanly, Esq.,
Ozias Pitkin, Esq.,
} *Assistants.* Hez. Wyllys, *Justice Peace.*

His Honour the Governour laid before this board an information that Doctor Holloway, living at Pomfrett or Kellingly, with some other persons in company, have got ingraving irons, molds to cast plates in, colours to print with, and are intending to print false bills in imitation of the true bills of this Colony. The matter of information appears so credible, that 'tis believed something of that nature is practicing.

Whereupon it is resolved, That the Governour direct the informer to go to Pomfrett to said Holloway, make further private discovery how far they have proceeded, and where the utensils for carrying on that vile practice are lodged, and then make speedy information of the matter to Justice Levinz of Kellingley, that the said justice may arrest the persons and examine them, and proceed further in that affair as his prudence shall direct him.

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[270] At a meeting of the Governour and Council held at Hartford on the 23d day of August, Anno Dom. 1727.

Present, The Honourable Joseph Talcott, Esq., Governour.

John Hamlin, Esq.,
Mathew Allyn, Esq.,
Roger Wolcott, Esq.,
Ja. Wadsworth, Esq.,
} *Assistants.*

John Hooker, Esq.,
Nath. Stanly, Esq.,
Ozias Pitkin, Esq.,
} *Assistants.*

Having received a letter from our Agent, Jeremiah Dummer, Esq., signifying to us the death of our late most gracious King George of happy memory, on the eleventh day of June last past; in which he enclosed to us a Proclamation given at the court at Leicester House the 14th day of June last, for proclaiming the High and Mighty Prince George, Prince of Wales, King of Great Britain, France and Ireland, Defender of the Faith, &c.

Ordered, That the death of his late Majesty be solemnized at Hartford on the second Tuesday of September next in the forenoon, by

firing of guns at a minutes distance from each other, with other proper indications of sorrow on this mournfull occasion.

Ordered, That on said day about noon, the accession of his present Majesty King George the second to the throne of Great Britain, France and Ireland, be celebrated; and for that end the regiment of this place and of the towns of Windsor and Wethersfield be in arms, and a proclamation read at the head of the regiment drawn up in the great square before the court house.

Ordered, That each souldier be allowed out of the publick stores half a pound of powder on this occasion.

Ordered, That suitable provision be made for the regiment.

And for preventing all disorders on so joyfull an occasion, it is hereby ordered, that no bonfires or fireworks shall be made on the evening or night ensuing the reading of the said proclamation; but that instead of those, illuminations be used, as much more honourable signals of joy; and that the proper officers take effectual care to keep order in the streets the said ensuing night, and secure all such persons as shall be found to behave themselves in a riotous or disorderly manner.

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[271] At a meeting of the Governour and Council held at Hartford on the 8th day of September, Anno Dom. 1727.

Present, The Honourable Joseph Talcott, Esq., Governour.

Mathew Allyn, Esq.,
Roger Wolcott, Esq.,
Nath. Stanly, Esq.,
Ozias Goodwin,* Esq.,
} *Assistants.* Hez. Wyllys, *Just. Pac.*

Having received a letter this day from the Lords of his Majesties Privy Council, signifying to us the death of our late most gracious King George, of happy memory, commanding that the High and Mighty Prince George, Prince of Wales, by the Governour and Company of this Colony be forthwith proclaimed King of Great Britain, France and Ireland, Defender of the Faith, Supreme Lord of this Colony of Connecticut, and all other his late Majesties territories and dominions in America;—in which a proclamation was enclosed for performing the same:

Ordered for that end, That the General Assembly of this Colony be forthwith called and convened at Hartford on the 18th day of September instant; and also that the regiment of the county of Hartford be in arms.

Ordered, That on said day in the forenoon, the death of his late Majesty be solemnized.

Ordered, That on said day, about noon, the accession of his present Majesty, King George the second, to the throne of Great Britain, France and Ireland, &c. be celebrated, and the said proclamation be read at the head of the regiment drawn up in the great square before the court house.

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* A mistake of the secretary, doubtless, for Ozias Pitkin.

Ordered. That each souldier be allowed out of the publick stores half a pound of powder on this occasion.

Ordered, That suitable provision be made for the regiment.

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[595] *CONNECTICUTT COLONY.*

AT A GENERAL ASSEMBLY, BY SPECIAL ORDER OF THE HONBLE THE GOVERNOUR, HOLDEN AT HARTFORD IN HIS MAJESTIES COLONY OF CONNECTICUTT IN NEW ENGLAND, ON THE 18TH DAY OF SEPTEMBER, IN THE FIRST YEAR OF THE REIGN OF OUR SOVEREIGN LORD, GEORGE THE SECOND, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM. 1727.

Present at this Assembly,

The Honourable Joseph Talcott, Esqr, Governour.
The Honourable Jonathan Law, Esqr, Deputy Governour.

John Hamlin, Esqr,	*Assistants.*	John Hall, Esqr,	*Assistants.*
Samuel Eells, Esqr,		C. Christophers, Esqr,	
Mathew Allyn, Esqr,		John Hooker, Esqr,	
Roger Wolcott, Esqr,		Nath. Stanly, Esqr,	
James Wadsworth, Esqr,		Ozias Pitkin, Esqr,	

The Representatives present from the several towns in this Colony at this Assembly are as followeth, viz.

Mr. James Ensign, for Hartford.
Capt. John Munson, Capt. Isa. Dickerman, for New Haven.
Capt. John Fitch, Mr. Richd Abbey, for Windham.
Mr. Tho. Fitch, Mr. James Lockwood, for Norwalk.
Capt. Stephen Noble, Mr. John. Bostick, for New Milford.
Mr. Robert Silliman, Capt. John Osborn, for Fairfield.
Mr. Tho. Kimberly, Mr. David Hubbard, for Glassenbury.
Mr. Daniel Eldridge, for Groton.
Mr. Joseph Dewey, Mr. Hez. Gaylord, for Hebron.
[596] Capt. John Russell, for Branford.
Mr. Giles Hall, Mr. John Andruss, for Midletown.
Capt. Joseph Marsh, for Lebanon.
Capt. James Brainerd, for East Haddam.
Capt. Benja. Addams, for Symsbury.
Capt. Joseph Hawley, Mr. Nath. Wadsworth, for Farmington.
Capt. Joseph Minor, Mr. Henry Castle, for Woodbury.
Mr. Thomas Lee, Capt. Reignold Marvin, for Lyme.
Capt. Jonath. Hoytt, Mr. Jonath. Bates, for Stanford.
Mr. Peter Aspinwell, for Kellingly.
Capt. James Beebe, Mr. Jno Gregory, for Danbury.

Capt. Theo. Yale, Capt. W^m^ Ward, for Wallingsford.
Mr. John Lyon, Mr. Gersh. Lockwood, for Greenwich.
Capt. Tho. Judd, for Waterbury.
Mr. Edmund Lewiss, Mr. Joseph Judson, for Stratford.
Capt. Henry Crane, for Durham.
Capt. Dan^ll^ Brainerd, for East Haddam.
Capt. Tho. Huntington, Capt. Tho. Storrs, for Mansfield.
Major John Sabin, Mr. Benj^a^ Sabin, for Pomfret.
Mr. Israel Wyatt, Mr. Ephraim Wells, for Colchester.
Mr. Peter Buell, Mr. Joseph Strong, for Coventry.
Mr. Caleb Leet, Mr. Peletiah Lette, for Guilford.
Mr. John Brown, for Preston.
Capt. Thomas More, Capt. Tho. Stoughton, for Windsor.
Mr. John Curtice, Capt. John Chester, for Wethersfield.
Mr. Sam^ll^ Lynde, for Seybrook.
Capt. David Buell, for Killingsworth.
Mr. Thomas Kimberly, Speaker, } of the House of Repre-
Capt. John Russell, Clerk, } sentatives.

His Honour the Governour communicated to this Assembly several letters and matters of publick concern, viz. a letter from the Lords of his Majesties Privy Council, and another letter from the Lords of the Board of Trade, directing for proclaiming the High and Mighty Prince George, Prince of Wales, King of Great Britain, France and Ireland, and of all the Dominions thereunto belonging, Defender of the Faith, &c., and Supreme Lord of this Colony of Connecticutt; and a proclamation enclosed for that end was read, and likewise a proclamation for the establishing of all officers, civil and military, in his Majesties Plantations, till his Majesties pleasure shall be further signified;—with several letters from Mr. Agent Dummer.

The regiment of the county being drawn up on the great square before the court house, the Governour, Council and Representatives, with many principal planters and a great concourse of people at the head of the regiment, the said proclamation was read to a herald appointed, who proclaimed our Sovereign Lord, King George the Second, according to said proclamation, in the most solemn manner, and was concluded with great demonstrations of joy. After which his Majesties declaration, for establishing all officers civil and [597] military, was likewise read. ‖ And then the officers of the said regiment of all orders, before his Honour the Governour and Council, readily and chearfully took the oaths provided by act of Parliament, and appointed to be taken instead of the oaths of allegiance and supremacy, and the oath of abjura-

tion; and also they solemnly made the declaration against popery, according to the form and effect of the said act of Parliament.

The Committee appointed by both Houses of this Assembly to consider of the several matters laid before this Assembly at this time by his Honour the Governour, as necessary to be considered and resolved upon with all possible dispatch, having entered into a consideration thereof, have now reported to this Assembly thereon, as follows, viz: That the Address (by them drawn up) to his Majesty, and an answer to the letter sent by the Lords of Trade and Plantations, as also an answer to the several articles alledged against the Colony by Mr. Winthrop in his complaint to his late Majesty, all which, with the necessary copies, we think it proper that the Governour be desired to transmit to our Agent, with such alterations as he shall think necessary, by the first opportunity. We are also of the opinion that there shall be drawn out of the publick treasury by order of the Governour, a sufficiency to procure a hundred pound sterling, which shall be lodged in the Governours hands till he shall find means to convey the same to our Agent, to be by him improved for the use of the government in making our defence against the aforesaid complaint of Mr. Winthrop; and that his Honour the Governour be desired to make all possible dispatch in forwarding the same. And that the members present at this Assembly, before we part, take the oaths appointed to be taken instead of the oaths of allegiance and supremacy, and the oath of abjuration, and make the declaration against popery, and that the same be put upon record. And that the Governour be desired to give the necessary orders for proclaiming King George the second in the county of New Haven, at the town of New Haven, at the sessions of the General Assembly there in October next; which will be agreeable to the directions we have lately received from the Right Honourable the Lords of Trade and Plantations.

Which report of the committee, address, letters, &c., having been now read and considered, are approved and allowed by this Assembly.

The Honourable Joseph Talcott, Esq^{r}, Governour, the Honourable Jonathan Law, Esq^{r}, Deputy Governour, the Assistants and Deputies present at this Assembly, took the oaths appointed in the room of the oaths of allegiance and supremacy, and also took the oath of abjuration and made the declaration against popery.

Nath. Stanly, Esq^{r}, and Mr. Thomas Kimberly are appointed a committee to assist his Honour the Governour, who

is desired in the name and stead of this Assembly to hear the records read off, when the entries are fully made by the Secretary. And the said records being read and approved shall be signed by the Secretary as perfect and compleat.

The acts of this Assembly was read in the presence of his Honour the Governour and the committee appointed, aforenamed, and by them ordered to be signed as perfect and compleat.

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[598] *CONNECTICUTT COLONY.*

At a General Assembly holden at New Haven in his Majesties Colony of Connecticutt in New England, on the 12th day of October in the first year of the reign of our Sovereign Lord George the second, of Great Britain, &c., King, Annoque Dom. 1727.

Present at this Assembly,

The Hon^ble^ Joseph Talcott, Esq^r^, Governour.
The Hon^ble^ Jonathan Law, Esq^r^, Deputy Governour.

Assistants.
John Hamlin, Esq^r^,
Samuel Eells, Esq^r^,
Mathew Allyn, Esq^r^,
Roger Wolcott, Esq^r^,

Assistants.
Ja. Wadsworth, Esq^r^,
John Hall, Esq^r^,
John Hooker, Esq^r^,
Nath. Stanly, Esq^r^,

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz:

Capt. Tho. Seymor, Mr. James Ensign, for Hartford.
Capt. Josh. Hempstead, Mr. Rich^d^ Christophers, for N. London.
Capt. John Fitch, Mr. Jonath. Bingham, for Windham.
Mr. John Thompson, Mr. Nath^ll^. Beach, for Stratford.
Capt. Thomas Noyes, Mr. Increase Billings, for Stonington.
Mr. Tho. Kimberly, Mr. David Hubbard, for Glassenbury.
Lt. James Reynold, Mr. Benj^a^ Mead, for Greenwich.
Mr. Nath^ll^ Foot, Mr. John Skinner, for Colchester.
Capt. Joseph Marsh, Capt. John Woodward, for Lebanon.
Capt. Dan^ll^ Brewster, Mr. John Brown, for Preston.
Mr. Peter Aspinwell, Mr. Eben^z^ Brooks, for Kellingly.
Capt. Joseph Addams, Mr. John Felch, for Canterbury.
Capt. John Riggs, Mr. Franciss French, for Derby.
Mr. Benj^a^ Skinner, Mr. Joseph Dewey, for Hebron.
Capt. John Munson, Capt. Isaac Dickerman, for N. Haven.
Major John Burr, Mr. Andrew Burr, for Fairfield.
Capt. Tho. Stoughton, Capt. Thomas More, for Windsor.
Capt. David Buell, Mr. John Lane, for Killingsworth.

Mr. John Curtice, Col° David Goodrich, for Wethersfield.
Capt. Thomas Storrs, Mr. Joseph Jacobs, for Mansfield.
Capt. Giles Hall, Mr. John Andruss, for Midletown.
Mr. Thomas Lee, Capt. Reignald Marvin, for Lyme.
Capt. Sam[ll] Hoyt, Mr. Sam[ll] Mead, for Stanford.
Capt. W[m] Wadsworth, Mr. John Hart, for Farmington.
Capt. Tim° Pierce, Mr. Daniel Lawrance, for Plainfield.
Mr. John Gregory, Mr. Eben[r] Hecock, for Danbury.
Capt. Joseph Platt, Lt. Sam[ll] Cumstalk, for Norwalk.
Capt. W[m] Preston, Mr. Andrew Hinman, for Woodbury.
[599] Capt. James Brainerd, for Haddam West.
Mr. Joseph Case, for Symsbury.
Mr. John Welsh, Capt. Steph. Noble, for New Milford.
Mr. Dan[ll] Brainerd, for Haddam East.
Mr. James Avery, for Groton.
Mr. Steph. Whittlesey, Mr. Sam[ll] Lynde, for Seybrook.
Capt. Henry Crane, Mr. W[m] Seward, for Durham.
Capt. Roger Newton, for Milford.
Major John Sabin, Mr. Liecst[r] Grosvenor, for Pomfrett.
Mr. Joseph Strong, Lt. Peter Buell, for Coventry.
Mr. Caleb Leet, Mr. Peletiah Leet, for Guilford.
Capt. Nath[ll] Harrisson, Capt. Jonath. Rose, for Branford.
Capt. Theoph. Yale, Lt. Sam[ll] Hall, for Wallingsford.
Mr. Tim° Hopkins, Mr. Thomas Clark, for Waterbury.

Mr. Thomas Kimberly, Speaker, } of the House of Repre-
Mr. John Curtice, Clerk, } sentatives.

Resolved by this Assembly, That his Majesty King George the second shall be proclaimed at New Haven on Wednesday the eighteenth day of October instant.

Ordered by this Assembly, That the troop in the county of New Haven, five of the eldest foot companies in the town of New Haven, and two foot companies in Milford, attend that days service: That a treat of thirty pounds be made for their refreshment: That a quarter of a pound of powder be provided and delivered to each centinel that attends said service: That a sufficient quantity of powder be provided for discharging three of the great guns on that day, to be paid for out of the publick treasury. And Sam[ll] Eells, Esq[r], is desired to appoint and imploy suitable persons to see that the above orders be performed in the best and most agreeable manner.

Ordered by this Assembly, That the sheriff of this county provide, at the Colonies charge, ten pound of candles, for illuminating the court house in this town of New Haven on the evening following the proclamation of our Sovereign Lord King George the second, and that he provide some persons

that shall make the necessary preparation, and light, set up and tend them during the time the Assembly shall stay at said house that evening; and also that he procure a barrel of good wine, at the charge of this Colony, for refreshment of the Assembly, and cause it to be brought to the said court house against that time.

His Honour the Governour having informed this Assembly that there is now lodged in the hands of the Hon^ble^ William Dummer, Esq^r^, at Boston, three hundred fifty-six pounds in bills of credit that is provided for the furnishing our Agent, Jeremiah Dummer, Esq^r^, in making answer to the complaint of John Winthrop, Esq^r^, against this government, and that his Honour is informed that our agent is in such a broken state of health that it is to be feared that he may by death be prevented performing that service for us: It is resolved by this Assembly, that one hundred and seventy-eight pounds of [600] said sum shall be forthwith sent to our agent, || to be by him improved for the service aforesaid, and the remaining part of the three hundred and fifty-six pounds still remain in the hands of William Dummer, Esq^r^, at Boston, until our agent send for it or he have orders from this Assembly to dispose of it. And his Honour the Governour is desired to see this order is attended, and to desire Lt. Gov. Dummer to take care that upon delivery of the money a receipt be taken that it is received for the use of this Colony, and to defend the privileges thereof against the complaint of John Winthrop, Esq^r^.

This Assembly do establish and confirm Mr. Thomas Nash of Fairfield to be Captain of the company or trainband at Greens Farms in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Sherwood, jun^r^, of Fairfield, to be Lieutenant of the company or trainband at Greens Farms in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan Morehouse of Fairfield to be Ensign of the company or trainband at Greens Farms in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Ketcham of Norwalk to be Lieutenant of the company or trainband at the parish of Wilton in the town of Norwalk aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Mathew St. John of Norwalk to be Ensign of the company or trainband

at the parish of Wilton in the town of Norwalk aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joell Permele of Durham to be Ensign of the company or trainband in the town of Durham aforesaid, and order that he be commissioned accordingly.

Lydia Cook and Richard Cook, administrators on the estate of Nathaniel Cook late of Windsor, deceas'd, having shewed this Court that the debts due from said estate are £42 15*s.* 1*d.* more than the moveable part of the same, and praying this Court that they may be enabled to sell so much of the real estate of the deceas'd as will answer said debts: It is thereupon resolved, and this Assembly do hereby impower the said Lydia Cook and Richard Cook, (with the advice of the court of probates in Hartford county,) to sell so much of the real estate of Nathaniel Cook, late of Windsor, deceas'd, as will amount to the sum of forty-two pounds fifteen shillings and one penny and necessary costs, and no more, and to improve the purchase money for the payment of the debts due from said estate.

In addition to the regiment to be drawn up on the occasion of the proclamation of his Majesty, on Wednesday the 18th of Octo. instant: Ordered by this Assembly, that the sixth company or trainband in the town of New Haven be also drawn up, and to have the same incouragement with the others, viz. to each centinel one quarter of a pound of powder, besides a share of the thirty pound treat equal with the rest.

[601] An Act in Addition to Goalers Fees. Page 37.

This Assembly taking into consideration the fees of goalers by law allowed for dyeting prisoners,

This Assembly do now enact, That for the future each goaler in the respective counties within this Colony shall be allowed four shillings per week for house room and dyeting each prisoner; any law, usage or custom to the contrary notwithstanding.

Upon the petition of several persons in the county of Windham, moving to this Assembly for an order to raise a troop in said county: This Assembly do order Major John Sabin to raise a troop in the county of Windham, and to enroll such suitable persons as will voluntarily inlist themselves and ingage to equip themselves well for that service; and if there appear and inlist to the number of fifty persons, the major then lead them to the choice of all proper officers, and return the same to this Assembly at their sessions in May next.

This Assembly do establish and confirm Mr. Andrew Hinman of Woodbury to be Lieutenant of the south company or trainband int the town of Woodbury aforesaid, and order that he be commissioned accordingly.

Whereas this Assembly in May last appointed Messrs. David Goodrich, Thomas Kimberly and Jonathan Burnham, to lay out the west bounds of Symsbury, and yet the said Assembly did not give directions for the said persons in their doing said service; wherefore the said Goodrich, &c. have not proceeded: It is now thereupon resolved by this Assembly, that the said persons shall measure said town of Symsbury as follows, viz: that they begin at Symsbury south-east corner, and thence run and find the course of the dividing line between that town and the town of Windsor on the east, and continue till they come to Symsbury north-east corner, and having found the course and likewise the distance between the two stations, shall proceed to lay out to the town of Symsbury the content of ten miles square, according to their best computation and admeasurement, describing the west limits or bounds of said town with a line parallel to said line divident; the south bounds of said town to be always determined by the anciently drawn north bounds of Farmington, and the north bounds by a right line to be drawn from said north-east corner thrô the spruce tree (formerly run to by Stanly, Nickols, &c. about one mile and half therefrom,) and so thrô to the north-west corner on that course.

Upon consideration of the memorial of the inhabitants dwelling in the westwardly and south-westwardly part of the south society in Lebanon: Resolved by this Assembly, that James Wadsworth, Esq^{r}, Mr. Thomas Kimberly, Col^{o} David Goodrich, be a committee, at the petitioners cost, to repair to the place, view the state and circumstances of the said inhabitants with regard to the situation and ability considered with the rest of said south society; and if upon the whole they conclude it to be for the best good and benefit of the good people there that the prayed for society be granted, that then they consider and conclude upon a line of partition, and report the whole to this Assembly in May next, in order to confirmation.

[602] An Act for Suppressing and Punishing of Rogues, Vagabonds, Common Beggars, and other lewd, idle, dissolute and disorderly Persons, and for Setting them to Work.

This Assembly observing many growing difficulties and inconveniences on this Colony, by means of many straggling and vagabond fellows that are strowling to and fro in this Colony, begging, and committing many insolencies; and the in-

crease of idle and dissolute persons among ourselves, for want of suitable means and place to restrain and imploy them: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be erected, built, or otherways provided, in the town of Hartford, in the county of Hartford; and that in case the town or proprietors of Hartford do not, within six months after this Court, procure and set out or sequester lands sufficient and convenient for such an improvement, that then such building or buildings shall be at the town of New Haven, in the county of New Haven, on the same conditions; and on their neglect for the space of six months then next coming, then it shall be at New London, in the county of New London, on the same conditions, the said town, or proprietors thereof, providing for and disposing to such an use and improvement a conveniency of land for that purpose; at the charge of this Colony, a fit and convenient house or houses of correction, to be used and imployed for the keeping, correcting and setting to work, of rogues, vagabonds, common beggars, and other lewd, idle, dissolute and disorderly persons.

And be it further enacted by the authority aforesaid, That the county court of the said county are hereby authorized and directed, to take care of, direct and order in the building of the said house, both as to the figure and dimensions of the said house or houses, as from time to time they may see needful.

And be it further enacted by the authority aforesaid, That the said county court may nominate and appoint, at their will and pleasure, an honest, fit person, to be master of such house of correction. And it shall and may be lawful for the said court, or any other county court in this Colony, or any two justices of the peace, *quorum unus*, or an assistant and justice of the peace, to send and commit unto the said house, to be kept and governed according to the rules and orders thereof, all rogues, vagabonds and idle persons going about in town or county begging, or persons using any subtil craft, jugling, or unlawful games or plays, or feigning themselves to have knowledge in physiognomy, palmistry, or pretending they can tell destinies, fortunes, or discover where lost and stolen goods may be found, common pipers, fidlers, runaways, stubborn servants or children, common drunkards, common night-walkers, pilferers, wanton and lascivious persons either in speech or behaviour, common railers or brawlers, such as neglect their callings, mispend what they earn, and do not provide for themselves or the support of their families, upon due

conviction of any of the offences or disorders aforesaid; as also persons under distraction and unfit to go at large, whose friends do not take care for their safe confinement.

And be it further enacted by the authority aforesaid, That the master of the said house shall have full power and authority, and shall set all such persons as shall be duly sent or committed unto his custody, to work and labour (if they shall [603] be able) for such time || as they shall be ordered to continue and remain in said house, and to punish them by putting fetters or shackles upon them, and by moderate whipping, not exceeding ten stripes at once, which (unless the warrant of commitment shall otherwise direct) shall be inflicted at their first coming in, and from time to time in case they be stubborn, disorderly or idle, and do not perform their task, and that in good condition, according as they shall be reasonably stinted; or to abridge them of their food, as the cause shall require, until they be reduced to better order.

And for the better governing of the said House of Correction, and for imploying such persons as shall be committed to the same,

Be it further enacted by the authority aforesaid, That the said county court are hereby authorized and impowred to make necessary rules and orders, from time to time as they shall find occasion, for the ruling, governing and punishing such persons so to be committed, according to the laws of this Colony; and such rules and orders as shall be made in that behalf by the said county court shall be of force and be duly performed and put in execution.

And be it further enacted, by the authority aforesaid, That when any person shall be committed to the said house of correction, in case he or she belong not to any town in this Colony, suitable materials, such as are necessary and convenient for the keeping such persons to work during their aboad there, shall be defrayed out of the Colony treasury; and in case he or she belong to any town in this Colony, that such materials as aforesaid shall be provided at the charge of the said town; and the selectmen of the said town shall deliver the same to the master of the said house, or be accountable to him for the charge and expence thereof, and assess the inhabitants for the same; and when any stubborn children or servants shall be sent thither as aforesaid, the aforementioned materials shall be provided at the charge of their parents or masters, (if able,) during their aboad in the said house. And each person committed as aforesaid shall be allowed out of their earnings but two-thirds thereof, for their support and making satisfaction

for the charge expended in the bringing in and furnishing with materials; and overplus of such earnings to be to the master of the house to account for. And if such persons are masters or heads of families, then and in such case the whole profit and benefit of their labours, or so much thereof as the said county court shall think necessary and direct, shall be for the relief and support of their families. And if any person or persons to be committed to the said house, shall be unable to work, or be weak or sick, then to be relieved by the master or keeper of such house, who shall be again reimburst what he shall so necessarily expend for the relief of such person or persons, out of the publick treasury of this Colony if the person belong not to any town in this Colony; and if the person belong to any town or precinct in this Colony, then by the selectmen of that town or precinct, and the selectmen to assess the inhabitants of such town or precinct; except the person so committed being unable to work, or being weak or sick, were at the time of his or her commitment in their minority and under the care of parents or masters, then and in every such case the parents or masters of such persons shall reimburst what necessary charges the master or keeper of the said house of correction shall necessarily expend for their relief.

And it is further enacted by the authority aforesaid, That the master or keeper of the said house shall be allowed for his care, labour and service in looking after those committed to his [604] care, and for relieving them || who shall happen to be sick or weak, such reasonable satisfaction made him by the country, selectmen, parents or masters, as the county court shall direct and appoint, if the earnings of such person or persons shall not be sufficient to discharge the same, over and above what is allowed them out of their earnings, for their relief. And the master or keeper shall keep an exact account of all profits and earnings that shall be made by the labour of those under his custody from time to time, and present the same (upon oath if required) unto the said county court, out of which earnings the said master or keeper of the said house shall have his allowance, and until that shall amount to a sufficiency for him, what is wanting shall be made up to him out of the county treasury, to be drawn in again out of the overplus of the earnings hereafter. And the master or keeper of such house of correction that shall refuse to account as aforesaid, or shall otherwise be negligent of his duty required by this act, shall be liable to such fine or punishment as by the discretion of the said county court shall be awarded.

Upon consideration of the petition of the inhabitants of the parish of Wilton, in Norwalk: It is resolved by this Assembly,

that if the town of Norwalk (upon application made to said town by the parishioners of Wilton) shall refuse or neglect to lay out necessary highways in said parish, that then the parishioners apply themselves to the county court, in the county of Fairfield, for highways, and said court to proceed thereupon according to the direction of the laws of this Colony providing for the laying out highways from town to town and place to place.

This Assembly do establish and confirm Mr. Jabez Hide of Norwich to be Captain of the company or trainband at the west society in the town of Norwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Kingsbury of Norwich to be Lieutenant of the company or trainband in the west society in the town of Norwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Winslow Tracy of Norwich to be Ensign of the company or trainband in the west society in the town of Norwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Mathew Randall of Stonington to be Lieutenant of the third company or trainband in the town of Stonington aforesaid, and order that he be commissioned accordingly.

The Assembly do establish and confirm Mr. Samuel Gregory to be Ensign of the company or trainband in the parish of Stratfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Doughty of Seybrook to be Captain of the company or trainband in the old society in the town of Seybrook aforesaid, and order that he be commissioned accordingly.

[605] This Assembly do establish and confirm Mr. Joseph Dudley of Seybrook to be Ensign of the company or trainband in the old society in the town of Seybrook aforesaid, and order that he be commissioned accordingly.

The gentlemen nominated to stand for Election in May next, sent in by the freemen of this government to this Assembly, viz. The Hon^{ble} Joseph Talcott, Esq^{r}, the Hon^{ble} Jonathan Law, Esq^{r}, John Hamlin, Esq^{r}, Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Roger Wolcott, Esq^{r}, James Wadsworth, Esq^{r}, John Hall, Esq^{r}, Christopher Christophers, Esq^{r}, John Hooker, Esq^{r}, Nathaniel Stanly, Esq^{r}, Joseph Whiting, Esq^{r}, Ozias Pitkin, Esq^{r}, Major John Burr, Capt. Timothy Pierce, Capt. James Rogers, Mr. Edmund Lewiss, Mr. Samuel Bishop, Mr. Warham Mather, Capt. Samuel Mather.

Ordered by this Assembly, That a message be sent to the Treasurer of this Colony, directing him to give his attendance at this Assembly as early as he can the next week, and that he bring with him such bills of credit as he hath in the treasury that are fit to be emitted, to defray the necessary charge of the government.

According to the orders of this Assembly, the regiment of the county being drawn up on the great square before the court house, the Governour, Council and Representatives, the Reverend Trustees of Yale College and many of the clergy, with many of the principal planters, and a great concourse of people at the head of the regiment, a proclamation was read to an herald appointed, who proclaimed our Sovereign Lord, King George the second, according to said proclamation, in the most solemn manner, and was concluded with great demonstrations of joy. Afterwards several of the members of this Assembly, the said reverend trustees, with many of the clergy, and the officers of the said regiment of all orders, before his Honour the Governour and Council readily and chearfully took the oaths provided by act of Parliament and appointed to be taken instead of the oaths of allegiance and supremacy, and the oath of abjuration, and also they made the solemn declaration against popery, according to the form and effect of the said act of Parliament.

Whereas it is found by experience in the town of Branford, that for want of due care taken by the proprietors or others in laying out convenient and needful highways in the outlands, some grants, divisions or allotments of lands are so enclosed or compassed about with other mens land that it is impossible or very difficult to go to or come from said lands without going upon or across persons particular propriety: For the remedying of which, that upon application made by any person or persons aggrieved, the proprietors of the common and undivided land in said town, at any of their lawful meetings, said proprietors are hereby impowred to appoint a committee to enquire into the necessity and conveniency of such highway, and being by them found needful, the said committee shall make report thereof to the proprietors at their next meeting, who are impowred by their major vote to order the laying out such highway, in such place and manner as they shall judge most convenient, so as no damage be done to any particular person or persons without due recompence to be made to the person or persons receiving the damage as aforesaid by said proprietors, to be adjudged and determined by the party or parties and the said committee, or by some indifferent person or persons as the party and committee shall

choose; and in case the said party or parties and the committees cannot, will not, or do not agree, then the party aggrieved may apply themselves to the county court for relief, who is hereby fully impowred to determine the same as in other cases, according to the law in page 51; and the doings thereon being recorded in the records of said town, shall be a sufficient evidence for the sure holding of the same. And it is further [606] enacted, that ‖ the said proprietors at their lawful meetings are hereby fully impowred and authorized, by their major vote, to grant land in exchange for any such highway out of the common and undivided lands, to any particular person or persons who shall have any lands taken or laid out for the use of a highway as aforesaid, which being recorded in the proprietors records shall be a sufficient evidence for his or their holding the same to his and their heirs and assigns for ever. And it is further enacted, that the proprietors aforesaid are hereby enabled and authorized to tax the said proprietors according to their interest, for the raising of money to pay for any highway that they shall not be willing to give land in exchange for, or for the defraying any charge that may necessarily occur in the management of the affairs of the proprietors, and appoint collectors for gathering the same, who shall be vested with the same authority as collectors of town rates, and shall be under the same regulations (as to their office) as town collectors are to the towns by virtue of any law in this Colony, and the civil authority are enabled and directed to grant necessary warrants accordingly.

Upon the petition of Josiah Mead, administrator on the estate of James Ferriss late of Greenwich deceas'd, praying that some meet person may be appointed and impowred to sell so much of the lands of said deceas'd as to satisfy a debt of eight pounds two shillings and five pence, there being so much due from said deceas'ds estate more than the moveable estate amounts to: This Assembly do appoint and impower Ebenezar Mead, Esq^{r}, and Josiah Mead, to sell so much of said deceas'ds lands, at the direction of the court of probate in the county of Fairfield, as to satisfy said debt, and to give a sufficient conveyance for the sure holding the same.

Upon consideration of the memorial of the Reverend Trustees of Yale College: Granted by this Assembly, that the impost income for rhum in this government, for one whole year next coming, shall be to the use, benefit and better support of the said college, its rector, tutors, &c.

Upon the petition of William Rogers *v.* Jabez Cheesebrough: Resolved by this Assembly, that a hearing and determination

thereon shall be continued over to this Assembly to be holden at Hartford in May next, and that execution on the judgment complained of be suspended till the said determination be thereon had.

We, the subscribers, in compliance with an order of this Assembly this present sessions, ordering us to divide the town of Symsbury into two societies, in order to do said work, on the 17th of this instant, we met at Symsbury, in order to proceed on that affair, which some of the inhabitants seemed unwilling that we should proceed: but after many debates on both sides, we proceeded to view the circumstance of the town, and have concluded for a division of the town into two societies, after the following manner, viz: The south society to include all that part of the town on the east side the river, and on the west side so far north as to include John Sextons living, and so to the west of said township as the lots run, being west north west. Nextly we viewed in order to fix a place for a meeting house for said society, and something south of the bend of the river, on the east side of the river, near the north end of the mile swamp, so called, on the east side of the road, we set a stake and marked a white oak tree for the [607] place for said meeting house. Nextly, || the north part of said town, or north society, to include Turkey Hills and Salmon Brook, and so far south as to include all that part of the town to the north of said Sextons, including the Higleys, into said society. Nextly, we viewed in order to fix a place for a meeting house for said society, and on a hill west of a marsh called Higleys marsh, about sixty or seventy rods west of said marsh, we marked a small staddle, on the west side of a path, for a place for the meeting house, in case the land there can be had, but if not, we have marked a pine tree on a knoll about forty rods to the north east for a place for said meeting house. Hartford, May 22d, 1727.

William Wadsworth. John Shelding. James Church.

The above report read in this Assembly, and after debate and consideration thereon had: Resolved, that the said report be accepted, and that the said town be so divided into two societies, and the places therein respectively assigned for the two meeting houses be the places for erecting them in accordingly.

Lists sent in from the several Towns in this Government.

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Hartford,	27331	08	3	New Haven,	32648	05	8
Fairfield,	25839	06	2	New London,	13851	16	4
Wethersfield,	19759	06	3	Glassenbury,	7128	05	0
Pomfrett,	6489	00	0	Lyme,	13171	17	0

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Haddam West,	5534	00	0	Killingsworth,	7351	00	7
Haddam East,	8874	07	0	Plainfield,	6551	16	9
Stanford,	16793	13	5	Derby,	5481	00	9
Colchester,	10634	10	0	Windsor,	21928	00	0
Woodbury,	8075	00	0	Lebanon, S.			
Waterbury,	4234	11	6	Society,	13800	04	9
Seybrook,	12329	02	8	Norwalk,	17052	11	5
Addition to				Preston,	10406	09	3
Seybrook,	411	00	0	Kellingly,	6020	00	0
Guilford,	20385	02	9½	Windham,	11684	06	0
Coventry,	5260	16	10	Groton,	11490	14	0
New Milford,	3103	19	8	Danbury,	8203	05	0
Hebron,	5660	17	0	Stonington,	16073	19	6
Mansfield,	6334	16	6	Canterbury,	6474	17	0
Farmington,	17025	11	9	Greenwich,	10100	12	0
Stratford,	22650	06	4	Wallingsford,	18043	00	0
Milford,	22753	00	6	Durham,	6304	18	9
Norwich,	21995	17	6	Midletown,	19900	05	0
Symsbury,	9020	18	6	Branford,	13800	05	6

An Act for reviving an Act for permitting Swine on the west of Stratford River to go at large, in Page 228, wherein said Act was limited for the Space of two Years in such Case.

It is resolved by this Assembly, That said act shall be revived and be of force, and is hereby revived and made of force. Provided this act continue of force for two years next, and no longer.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the power of waterbailies be hereby annexed to the sheriff's office, as fully as it already is to the office of a constable; any law, usage or custom to the contrary notwithstanding.

[608] Upon the petition of the inhabitants of the north society in Branford: This Assembly grants them liberty to imbody themselves into church estate and to call and settle an orthodox minister among them, with the approbation of the neighbouring churches.

This Assembly accept the addition of £234 14*s.* 6*d.* sent in from the listers of New Haven chosen A. D. 1726, which was omitted entry in May last, and order the Secretary to enter the same as thô in season sent in, and that the Treasurer of this Colony be accountable.

The sum total with the assessments and additions of Greenwich list for the year 1726, being one thousand and nineteen pounds and eleven shillings, escaping entry in May last, is

now accepted to be exhibited to the Secretary of the Colony, and the Treasurer of the Colony to be accountable [for] the sum raised thereon, as though entry had been made thereof in common form and time.

Upon the memorial of Samuel Gilbert: Resolved by this Assembly, that Capt. Joseph Beckwith of Lyme be appointed, instead of George Way, to sell so much of the real estate of Capt. Joseph Way deceas'd, in conjunction with the said Gilbert, as may be sufficient to discharge the sum of fifty-three pounds four shillings and two pence debts due from said estate more than the moveable part thereof amounts to, with the allowance and approbation of the court of probates for the county of New London.

This Assembly grant to our agent, Jeremiah Dummer, Esq^{r}, for his salary, the sum of one hundred pounds in bills of publick credit, and desire his Honour the Governour to receive the same of the Treasurer, and send the same to the agent or his order.

This Assembly do establish and confirm Mr. Thomas Towsey of Newtown to be Captain of the company or trainband in the town of Newtown aforesaid, and order that he be commissioned accordingly.

Upon the memorial of Thomas Leachmere, Esq^{r}, administrator on the estate of the Hon^{ble} Wait Winthrop, late of Boston, Esq^{r}, deceas'd: This Court considering that neither John Winthrop, Esq^{r}, nor his attorney are cited to answer said memorial, it is therefore dismist.

An Act to ascertain and determine the Fare of the Ferry at Niantick in New London, called the Gutt.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future the fare of said ferry shall be, for man, horse and load, two pence and no more, and for each single person one penny and no more, and for each score of sheep or goats, twelve pence per score and no more; and that during the three winter months of December, January and February, the fare of said ferry shall be three pence for man, horse and load, and for each single person two pence, and for each score of sheep or goats eighteen pence.

Be it enacted by the Governour, Council and Representatives, [609] *in General Court assembled*, That the warrant calling ‖ a proprietors meeting at Wellington on the 20th day of June last, together with the division made of Wellington by the proprietors at their proprietors meeting at Wellington on June 20th and 21st, 1727, as also the map upon which the division

is predicated, dated March 25th, 1727, shall by the Secretary be entered upon the Colony book of records of surveys; the charge thereof to be paid by the proprietors.

Upon the representation of the circumstances of some of the good people of the town of Rye, (respecting their pious desires of settling a gospel minister according to the perswasuasion and mode of this Colony,) by divers of the reverend trustees of Yale College, and praying the assistance of this Colony in building two meeting houses, without which the worship cant be supported, which will be too heavy an undertaking for them: It is enacted by this Court, that a contribution of every congregation in this Colony to that purpose be desired, and it is hereby desired. And it is ordered that the collection thereof shall be delivered to the Reverend Mr. Davenport of Stanford, who shall give his receipts thereof, and shall dispose the same to the use aforesaid by the particular direction of the association of the reverend elders of the county of Fairfield, from time to time as need shall require. And the Secretary shall send briefs to the ministers of the several congregations accordingly.

An Act for enabling Proprietors of the Common and Undivided Lands, declared by an Act of this Assembly, at Hartford in the ninth Year of the Reign of King George the first, to belong to the Proprietors, and not to the Towns,* to make Rates to defray the necessary Charges arising in the defending, protecting or managing the Same; also to make Exchange of said Common Land, for the procuring needful and convenient Highways.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the said common or undivided land in any town in this Colony are hereby fully impowred, at any of their legal meetings, by their major vote, to make a rate or rates, as occasion shall require, for the defraying the necessary charges arising on said propriety, and to appoint collectors for the gathering in the same, who shall be invested with the same power as the collectors of town rates are by law invested with, and shall make payment of the money by them collected to the proprietors appointing them, or to their order, on the same penalties, and to be under the same regulation, as the collectors of town rates are.

And it is further enacted by the authority aforesaid, That the said proprietors are hereby fully impowred at their meetings as aforesaid, to make exchanges of any of the common land for needful and convenient highways in said town or

* Volume VI., 394.

place, with any of the proprietors, inhabitants or owners of such land, as shall be judged most convenient and needful by the proprietors aforesaid; which exchanges shall be entered in the said proprietors book of records, and shall be held good and valid to all intents and purposes to the use of the person or persons receiving the same and to his and their heirs and assigns forever. And all exchanges heretofore made for the end aforesaid shall also be held good and valid to all intents and purposes. Always provided, that the major part of the proprietors (to be computed by their interest of such common and undivided land) do not protest against such exchange, and enter their protest with the clerk of such propriety within forty days after such exchange is granted.

[610] This Assembly considering that the publishing the sermon preached before this Assembly at their present session by the Reverend Mr. Elisha Williams, Rector of Yale College, from Ephes. 2d. 8th, may be of great service to religion, in confirming the people in the great truths by him delivered: It is thereupon resolved, that seven hundred copies of that sermon shall be printed at the publick charge, and sold by such person or persons as this Assembly shall appoint, for drawing back into the treasury the price of them. And John Hamlin, John Hooker, Esq^{rs}, are appointed a committee to wait upon the reverend rector, and desire of him a copy of that sermon for the press.

An Act for Repealing an Act made and passed by this Assembly holden at Hartford, May 11th, Anno Dom. 1727, entituled An Act to prevent distilling Molasses into Rhum.

Whereas this Assembly in passing the act aforesaid, observing a growing mischief like to accrue to the government, not only by distilling of molasses in this Colony and vending the spirit, to the hurt of the Colony and rendering molasses scarce, but the practicing the same in the neighbouring governments, great quantities of said liquor being imported into this Colony and rendering the molasses also more scarce, hoping the said governments would come into the same measures with this Colony for prohibiting the distilling of molasses: yet nevertheless, the said neighbouring governments still allowing the distilling of molasses, while prohibited here in this Colony, draws, or is like to draw, the whole trade of molasses from the West Indies, whereby the act aforesaid is eluded, and the good ends proposed therein prevented: Therefore,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforesaid act be repealed, and the same is hereby repealed and made void.

Upon the petition of Major John Clark of Seybrook *v.* Dan[ll] Edwards of Coventry, praying this Assembly for a reversal of the judgment of the superiour court held in Hartford in March *A. Dom.* $172\frac{2}{3}$, given in favour of said Edwards against said Clark, and for a rehearing in said case: This Assembly do hereby grant unto the said Clark to have liberty of another tryal of his case on the same issue in the superiour court to be holden in Windham in March next, and that the costs of that court only follow said tryal and final judgment.

Upon the memorial of Amos Elmor: Resolved by this Assembly, that the said Elmor shall be allowed an appeal from the judgment complained of in said memorial, to the county court to be holden at Fairfield in November next, and that Mr. Justice Lewiss be directed to grant out the necessary copies to the said Elmor, to enable him to bring forward his appeal as aforesaid.

Whereas, upon the memorial of Franciss Fanning *alias* Vanpelt, of Stonington, it has been resolved by this Assembly that the estate of William Ramsey late of Stonington, deceased, which has been adjudged to be an escheat by the court of probates held at New London, July 11th, 1727, and by said [611] court ordered to be secured in the hands ‖ of Henry Stephens of said Stonington, administrator on said estate, until he should have opportunity to deliver the same, amounting in the whole to £82 1*s.* 2*d.* clear estate, into the hands of the Treasurer of this Colony, to be further secured as the law directs, should be granted to the said Frances Fanning *alias* Vanpelt, for the reasons assigned in the said memorial, provided the said Frances should become bound with sufficient sureties to the Treasurer of this Colony in double the value of said estate, that she shall refund and pay back the same to the proper heirs of the said deceas'd, when any such shall appear and make out their claim to the same: It is hereby further resolved by this Assembly, that the aforesaid administrator, Henry Stephens, shall deliver the said estate in his hands, and he is hereby ordered to deliver the same, to the said Frances Fanning *alias* Vanpelt, upon her producing to him a certificate from the county court or court of probates in the county of New London that she has so become bound by way of recognizance with sufficient sureties, in manner as aforesaid, which court is hereby directed to take bond of the said Frances and certify the same as aforesaid. And in case the said administrator shall neglect or refuse to deliver the said estate as aforesaid, upon complaint thereof made to the aforesaid court of probates, his administration bond shall by the judge of said court be put in suit against him.

An Act for levying a Tax on Polls and Rateable Estate.

This Assembly grants a rate of two pence on the pound on all the polls and rateable estate in this government, to be paid into the treasury in the bills of credit of this Colony with the usual advance of twelve pence on the pound; or in good bills of credit of four signers, of the Massachusetts Bay, or in the bills of credit of New York, without advance; or in silver money as it passeth in the country.

Upon the memorial of John Penfield, administrator on the estate of David Cornwall, late of Midletown, deceas'd: Resolved by this Assembly, that the said administrator be impowred, and he is hereby impowred, to sell so much of the real estate of the said deceas'd as shall amount to the sum of twenty-nine pounds eighteen shillings and eleven pence, to satisfy the debts due from said estate, being so much more than the moveable estate, and also for the necessary charge in selling the same, at the direction of the court of probates in the county of Hartford.

Upon the memorial of the town of Ridgefield: Resolved by this Assembly, that the said town shall be exempted, and the same is hereby exempted, from paying publick taxes for the term of two years next to come.

Upon the memorial of John Sillaman of Fairfield, guardian to Joseph Lockwood, of said Fairfield, minor, shewing to this Assembly the circumstances of said Lockwood, and praying this Assembly that there may be a disposal of part of the lands of said Lockwood, to the value of sixty pounds, to defray the charge of said Lockwood's sickness, and desiring that a committee may be appointed to dispose of said lands: This Assembly have granted the prayer of said petition, and that Capt. Moses Dimon and Mr. Andrew Burr be impowred, and are hereby impowred, with the direction of the court of probate in Fairfield county, to execute deeds of conveyance of lands prayed for.

Upon the memorial of the inhabitants of New Milford, shewing to this Assembly the many difficulties they labour under in building and finishing their meeting-house, and abundance of other charges, and praying that they may have a release from [612] their publick tax to the government || for the space of two years: This Assembly grants to the said town of New Milford exemption as aforesaid for the space of two years next, and that the same be collected and put into the hands of Mr. Justice Brunson and Lt. Bostwick, both of New Milford, to be improved towards the finishing their meeting-house and maintaining their school in said town; provided said town during

said term do not send any representatives to serve as members of this Assembly on the publick cost.

Upon the petition of Thomas Griswold, Daniel Griswold and Cornelius Brown, agents for the west society in Windsor, *v.* Mr. Daniel Fuller: The question being put, whether the pleas offered in bar of said petition are sufficient: Resolved by this Assembly in the affirmative. *Cost allowed respondent is* £0 18*s.* 6*d.*

Upon the petition of James Ennos *v.* Jonath. Marsh and Jonath. Elsworth, executors of the last will of Mr. John Eliott, late of Windsor, deceas'd, and Israel Stoughton: The question being put in this Assembly, whether the pleas offered in abatement on said petition are sufficient to abate it: Resolved in the affirmative. *Cost allowed respondents is, viz. Ex.* £2 15*s.* 10*d. Stoughton* £1 18*s.* 0., *the whole*, £4 13*s.* 10*d. Ex. granted June 6th*, 1728.

Upon the petition of James Lord and Daniel Lord *v.* Samuel Peck: The question was put in this Assembly, whether the pleas offered to abate said petition are sufficient to abate it: Resolved in the affirmative. *Cost allowed respondent is* £1 18*s.* 0*d.*

The memorial of the second trainband in Stonington *v.* Capt. Ephraim Minor is ordered to be continued till the sessions of this Assembly in May next.

An Act for Emitting Bills of Credit.

Whereas there was left in the Treasurer's hands in May last, in bills of publick credit fit for further use, the sum of one thousand one hundred thirty-eight pounds seventeen shillings and seven pence half penny, of the quick stock and impost money and money brought in for the sale of country lands, which were so lodged for the further dispose of this Assembly:

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Treasurer shall be, and he is hereby impowred to issue out and deliver the said sum of one thousand one hundred thirty-eight pounds seventeen shillings and seven pence half penny, together with eight hundred sixty-one pounds two shillings and four pence half penny more, to be of the bills brought in to the treasury by the rate granted by this Assembly in October last, or by impost, for and towards the payment of the publick debts of this Colony and the necessary charge of the same, according to such orders as shall be given him from time to time according to law.

Upon the motion of the inhabitants of Newent in Norwich to this Assembly, to be freed from their country rate one year:

This Assembly do free the said inhabitants from paying any country rate this year, and a copy of this act shall discharge the constable for collecting of said rate.

On the prayer of the memorial of Thomas Stoughton and James Ennos, agents for the town of Windsor: This Assembly appoint Messrs. John Hooker and Nath[ll] Stanly, Esq[rs], [613] and Capt. Thomas Seymor ‖ of Hartford, to be a committee to repair to Windsor and, at the cost of the said town, to view the three highways there laid out on the east side of Connecticutt River by the jury imployed by the county court at Hartford in March last, and observe the necessity and conveniency of them, and make report thereof to this Court in May next; and that execution for levying the £158 11*s.* 0*d.* for damages and costs, awarded by the said county court, be staid till the end of the session of this Court in May next.

This Assembly grants his Honour the Governour two hundred and fifty pounds in bills of publick credit, as a salary for this currant year.

This Assembly grants his Honour the Deputy Governour one hundred pounds in bills of publick credit, as a salary for this currant year, including, to make up said sum, twenty pounds granted in addition to said salary in May last.

Whereas Daniel Hubbard, late constable of Guilford, represented to this Assembly in May last that he had in his hands, after he had made up his accounts with the Treasurer, the sum of eight pounds sixteen shillings and six pence, which he was then ordered to deliver to the Treasurer, but has hitherto neglected to deliver the same according to said order: It is now therefore ordered by this Assembly, that the said Daniel Hubbard shall deliver the aforesaid money, which yet remains in his hands, to the Treasurer of this Colony, taking his receipt for the same, which receipt he shall deliver to the Secretary, and the same shall be a sufficient discharge to the said Hubbard for the aforesaid sum.

Upon the memorial of Anna and John Whiting, administrators on the estate of Joseph Whiting, late of Hartford, deceas'd, and Elizabeth Easton, administratrix on the estate of Jonathan Easton, late of said Hartford, deceas'd, praying that the said Anna and John Whiting may be impowred to give a deed of one acre and half of upland lying at or near a place called the Ox Pasture in Hartford, butting west on the land of said Jonathan Easton, deceas'd, unto the said Elizabeth Easton and Mr. Edward Cadwell of Hartford, to whom this Assembly have already given a power to dispose of some of the land of the said Easton, deceas'd, for the use of the heirs of the said Easton,

deceas'd, or to be by them sold for the payment of the debts of the said Easton, deceas'd; and also, that the said Elizabeth Easton and Edward Cadwell may be impowred to give a deed of a certain piece of land of the said Easton's, deceas'd, lying in the south meadow in Hartford, of two acres, butting south on the land of the said Whiting, deceas'd, unto the said Anna and John Whiting, for the use of the heirs of the said Joseph Whiting, deceas'd: This Assembly doth hereby fully authorize and impower the aforesaid Anna and John Whiting, and the said Elizabeth Easton and Edward Cadwell, to make, seal and deliver, deeds of exchange of the aforesaid pieces of land in manner as aforesaid; which shall be as good and effectual in the law, to all constructions and purposes whatsoever, as if the said Joseph Whiting and Jonathan Easton, deceas'd, had made and compleated the same in their life time; any law, usage or custom to the contrary notwithstanding.

Upon the memorial of John Morgan of Groton in behalf of the Pequot Indians: This Assembly appoint C. Christophers, Esq^{r}, and Capt. Joshua Hempstead, to enquire into the grounds of the complaint in said memorial, and make report to this Assembly in May next.

For the more effectual payment of the charges ordered to be expended on the proclaiming his Majesty King George the second at New Haven, and to prevent mismanagement in said payment, Sam^{ll} Eells, Esq^{r}, is ordered to pass all bills to the Treasurer on that affair, and no other person to be concerned therein.

[614] *Resolved by this Assembly*, That the oaths provided by act of Parliament instead of the oaths of allegiance and supremacy, and also the oath of abjuration and declaration against popery, be printed with the acts of this Assembly.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future all the polls of his Majesties justices of the peace in this Colony be taxed as other polls are by law, and under like penalty, in case of neglect and refusal, as others are by law unexempted; any law, usage or custom to the contrary notwithstanding.

The petition of the town of Colchester *v.* the town of Hebron is ordered to be further continued till the sessions of this Assembly in May next.

This Assembly orders that the north-west parish of Fairfield shall be called for the future by the name of Greenfield, and be so recorded.

This Assembly grants Mr. Secretary Wyllys eight pounds in bills of credit, as a recompence for service this currant year.

The inhabitants on the west side of Ashford having prayed this Assembly that they may be annexed to the town of Wellington, upon which the agent of Ashford declared his free consent that one mile of said Ashford, to run cross said town on the west side thereof, should be annexed to Wellington aforesaid, the which the agent for said inhabitants freely accepted, and both said agents accordingly agreed before this Assembly: Whereupon it is enacted and declared, that one mile in breadth, to run cross on the west side of said Ashford, shall be annexed to the town of Wellington aforesaid, so far as it relateth to parish charges, and the same is accordingly annexed to said Wellington, and the inhabitants living on said mile are discharged from all parish charges in Ashford aforesaid.

An Act for new imprinting Four Thousand Pounds in Bills of Credit.

Whereas several of the bills of credit of this Colony are torn, defaced and unfit to pass, and that they may be taken into the treasury by exchange,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith imprinted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall amount to four thousand pounds, and no more; which bills shall be indented and stamped as the Governour and Council shall order, and be signed by the committee appointed for the signing the bills of credit of this Colony last emitted, they or any three of them, and of this tenour following, that is to say,

No. ( ) 20*s.*

This indented bill of twenty shillings due from the Colony of Connecticutt in New England to the possessor thereof, shall be in value equal to money, and shall be accordingly accepted by the Treasurer and receivers subordinate to him, and for any stock at any time in the treasury. New Haven, Octo. 12th, *Anno Dom.* 1709.* By order of the General Assembly, May, 1713.

[615] *And it is further enacted,* That the said bills, so to be imprinted by this act, shall be by the said committee, or any three of them, delivered to the Treasurer, who shall give them in exchange for such torn and defaced bills that are not fit for use; taking his receipt for the same.

* The record follows the original bill, *Finance & Currency*, II. 128: but instead of the date given in the text, the printed act reads, Hartford, July the twelfth, *Anno Dom.* 1709.

The report of the committee concerning the bounds between the towns of Preston and Voluntown is further continued till the sessions of this Assembly in May next.

Whereas execution went out of the office of the clerk of the superiour court directed to John Trowbridge, the sheriff of New Haven county, requiring him to levy of the estate of John Perkins, of New Haven in the county of New Haven, the sum of two hundred pounds: And forasmuch as it appeareth to this Assembly that said sheriff hath not duly performed the trust reposed in him respecting said execution, for that he hath not paid in said sum, as required and commanded in the execution aforesaid: Whereupon it is enacted by this Assembly, that if the said Trowbridge doth not, on or before the first day of March next coming, pay the sum mentioned in said execution, or so much of it as still remaineth unpaid, unto the Colony Treasurer, that then Mr. W^m^ Addams, of Milford in said county, shall sue out the bond given by said sheriff and his sureties for his, said sheriffs, faithful discharge of his office, or bring any other action or suit that may be thought proper by said Addams for gaining said sum of the said Trowbridge. And the said Addams is hereby fully impowred to manage the said affair as attorney to the Governour and Company of this Colony.

The Records of this Assembly, as they stand entered in the preceding pages, were read in the presence of this Assembly, and ordered to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Secret^y^.

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[272] AT A MEETING OF THE GOVERNOUR AND COUNCIL HELD AT HARTFORD, NOVEMBER 7TH, ANNO DOM. 1727.

Present, The Honourable Joseph Talcott, Esq., Governour.
Nathaniel Stanly, Esq., *Assistant.*
Samuel Mather,
David Goodrich,
Tho. Kimberly,
Hez. Wyllys,
} Esq'rs, *Justices of the Peace.*

Ordered, That the bills of publick credit ordered (by the General Assembly in October last, viz. the four thousand pounds to be exchanged for torn and defaced bills,) to be imprinted, that those of said bills that are of five pounds, on the back side shall be printed the words following, viz. [This indented bill of five pounds due from the Colony of Connecticut in New England to the possessor. Hartford, November 7th, *anno Dom.* 1727. By order of the Governour and

Council,] and that also the other bills shall be likewise printed on the back side in the same manner, but in a differing character, according to their respective denomination; and the flowers formerly used to be put on the back side may be omitted.

Ordered, That Christopher Christophers, Esq., be impowered, and he is hereby impowered, to administer the proper oath to Timothy Green, printer, for his faithful imprinting the four thousand pounds in bills of credit, ordered by the General Assembly held at New Haven in October last to be imprinted.

At a Meeting of the Governour and Council held at Hartford, November 22d, Anno Dom. 1727.

Present, His Honour the Governour.

Roger Wolcott, Esq., *Assistant.*
Samuel Mather, David Goodrich, William Wadsworth, Thomas Kimberly, } Esq'rs, *Justices.*

[273] Upon the motion of Joseph Phelps, John Pettibone and Benjamin Addams, all of Simsbury, laid before this board for advice and direction, how, or by what means or method, the people of either of the societies in the town of Simsbury, as they are now divided by the General Court into two religious societies, may or ought to warn and form their first meetings: Resolved in Council, that the proper way for said societies to warn and form their first meeting must and ought to be according to one law of this Colony entituled An Act for direction how societies shall meet and form themselves after other societies are drawn off from them, as in page 335.*

At a meeting of the Governour and Council held at Hartford, January 22d, Anno Dom. 172⅞.

Present, The Honourable Joseph Talcott, Esq., Governour.

Mathew Allyn, Esq., Roger Wolcott, Esq., Nathaniel Stanly, Esq., Ozias Pitkin, Esq., } *Assistants.*
Hez. Wyllys, Esq., *Justice Peace.*

Having received a letter from the Honourable Deputy Governour Law, dated January 17th, 172⅞, signifying that Mr. Denny and several other persons in the counties of Fairfield and New Haven have lately by way of lottery, without any lawful lycence, sold and vended their goods &c., and that sundry other persons are endeavouring the same unjust practices; which, if not prevented, may prove of ill consequences:

* *Ante*, page 74.

Resolved in Council, That an answer be sent to his Honour the Deputy Governour's letter, and that as an expedient for the putting a stop and suppressing such practices, the following proclamation be issued, viz:

By the Honourable Joseph Talcott, Esq., Governour of his Majesty's Colony of Connecticut, a Proclamation.

Forasmuch as sundry persons in the counties of Fairfield and New Haven have of late presumed, without any lawful lycence, to set up lotteries, and to vend off their goods by lottery, to the very great abuse [274] of many of his Majesty's subjects, who have ‖ inadvertently been drawn in to venture and loose their moneys in such lottery, and to the occasioning very great disorders, tumults, and mispence of precious time; which practice has never been counted lawful nor allowed in any of his Majesty's dominions:

I have therefore, with the advice of the Council, prohibited, and do hereby prohibit and strictly forbid all persons within this his Majesty's Colony of Connecticut, to set up any lottery for the sale of goods, or to sell or vend off any parcel, parcels or quantities of goods whatsoever, or moneys, by lottery, as they will answer the contempt hereof at their peril. And I do hereby order and direct all justices of the peace, constables, and selectmen, within their precincts to pull down and deface all advertisements of such lotteries, and to their utmost, by all lawful means, discountenance and suppress all such unjust and pernicious practices.

Given under my hand in Hartford, the 22d day of January, in the first year of the reign of our sovereign lord George the second, of Great Britain, &c. King, *Annoque Dom.* 172⅞. J. TALCOTT.

Resolved, That a copy of said proclamation be sent to Mr. Green the printer, with orders forthwith to print sixty copies of the same, and as soon as may be to send twenty-four of them to his Honour the Deputy Governour, for the counties of Fairfield and New Haven,—twelve to Nathaniel Stanly, Esq. for the county of Hartford,—twelve to be delivered to Christopher Christophers, Esq. for the county of New London,—and twelve to Mr. Justice West, for the county of Windham,—for publishing and directing the setting them up in the most proper places within the respective counties.

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD, ON THE 19TH DAY OF FEBRUARY, ANNO DOM. 172⅞.

Present, The Honourable Joseph Talcott, Esq., Governour.
Roger Wolcott, Esq., *Assistant.*
Samuel Mather, Esq., }
David Goodrich, Esq., } *Justices of the Peace.*
Thomas Kimberly, Esq., }
Hez. Wyllys, }

Whereas it is made evident to this board that by the sudden and [275] awful providence of God, by fire, great part ‖ of the estate of

Isaac Boardman, late of Wethersfield and now of Bolton, was consumed, whereby he is rendered a suitable object of charity: It is therefore recommended to the several churches and congregations in the towns of Wethersfield and Bolton, to contribute for the relief of the said Boardman; and that this brief, craving the contribution, be read in the said congregations by the pastors of said churches, and what shall be gathered deposited in the hands of the deacons of said churches for the said Boardman's relief.

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[616] *CONNECTICUTT COLONY.*

At a General Assembly holden at Hartford, in his Majesties Colony of Connecticutt in New England, on the 9th day of May, in the first year of the reign of our Sovereign Lord George the second, of Great Britain, &c., King, Annoque Dom. 1728.*

Present at this Assembly,

The Honourable Joseph Talcott, Esq^{r}, Governour.
The Honourable Jonathan Law, Esq^{r}, Deputy Governour.

John Hamlin,
Samuel Eells,
Mathew Allyn,
Roger Wolcott,
James Wadsworth,
John Hall,
} Esq^{rs},

C. Christophers,
John Hooker,
Nath^{ll} Stanly,
Joseph Whiting,
Ozias Pitkin,
} Esq^{rs}, *Assistants.*

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz:

Capt. Thomas Seymor, Mr. William Pitkin, for Hartford.
Capt. Josh: Hempstead, Mr. Solomon Coitt, for New London.
Mr. Richard Abbey, Mr. Jabez Huntington, for Windham.
Capt. Thomas Wells, Mr. Charles Treat, for Glassenbury.
Capt. Jno. Woodward, Mr. Samuel Hide, for Lebanon.
Major John Clark, Mr. Steph: Whittlesey, for Seybrook.
Mr. Nath^{ll} Foot, Mr. Ephraim Wells, for Colchester.
Capt. John Lyon, Mr. Gersh: Lockwood, for Greenwich.
Major John Sabin, Mr. Benj^{a} Sabin, for Pomfrett.
Capt. Joseph Platt, Mr. Benj^{a} Hickcox, for Norwalk.
Capt. John Riggs, Mr. Franciss French, for Derby.
Mr. Peter Aspinwell, Mr. Benj^{a} Bigsbee, for Kellingly.
Capt. Jonathan Hoitt, Capt. Sam^{ll} Hoitt, for Stanford.
Capt. Isaac Dickerman, Capt. John Munson, for New Haven.

* The Journal of the Lower House is defective, extending only to May 15th.

Mr. Robert Sillaman, Mr. Samuel Burr, for Fairfield.
Capt. Joseph Minor, Capt. Wm. Preston, for Woodbury.
Mr. Samuel Hill, Mr. Benj[a] Hand, for Guilford.
Mr. John Curtice, Capt. John Chester, for Wethersfield.
Mr. Edmund Lewiss, Mr. Ephraim Curtice, for Stratford.
Capt. James Avery, Mr. Joshua Bill, for Groton.
Mr. Izra. Wettmore, Mr. John Andrews, for Midletown.
Capt. Wm. Wadsworth, Mr. John Hart, for Farmington.
Mr. Exper. Porter, Mr. Josiah Conant, for Mansfield.
Capt. Henry Crane, Mr. Joseph Coe, for Durham.
Mr. Joseph Backus, Capt. Jabez Hide, for Norwich.
[617] Mr. Benj[a] Skinner, Mr. Joseph Dewey, for Hebron.
Capt. Dan[ll] Brewster, Mr. John Brown, for Preston.
Capt. David Buell, Mr. Abram Pierson, for Kellingsworth.
Mr. Dan[ll] Brainerd, for East Haddam.
Capt. Ja. Brainerd, for West Haddam.
Capt. James Beebe, Mr. Eben[z] Hickcox, for Danbury.
Capt. Tho. Stoughton, Capt. Sam[ll] Mather, for Windsor.
Capt. Tim[o] Pierce, Mr. Eph. Kingsbury, for Plainfield.
Capt. Roger Newton, Capt. Andrew Sanford, for Milford.
Capt. John Russell, Capt. Sam[ll] Maltby, for Branford.
Mr. Daniel Palmer, Mr. Increase Billings, for Stonington.
Mr. Joseph Case, Capt. Jonath: Westover, for Symsbury.
Capt. Theo: Yale, Mr. Sam[ll] Hall, for Wallingsford.
Mr. Peter Buell, Capt. Jerem: Fitch,* for Coventry.
Capt. Wm. Hickcox, Mr. Tim[o] Hopkins, for Waterbury.
Mr. Sam[ll] Butt, Mr. Elisha Pain, for Canterbury.
Capt. John Colt, Capt. Reignold Marvin, for Lyme.

Capt. Roger Newton, Speaker,† } of the House of Repre-
Capt. John Russell, Clerk, } sentatives.

This day being appointed by charter and the laws of this Colony for the Election of the publick officers of this corporation, viz. the Governour, Deputy Governour, Assistants, Treasurer and Secretary,—Proclamation being made, the freemen proceeded to give in their votes to persons chosen by the Governour, Council and Representatives, to receive, sort and count them.

The persons so chosen and appointed were, Roger Wolcott,

* Capt. Jere. Fitch being returned to serve as a member of this Assembly from the town of Coventry, but the House, upon view of the Journal, May 15th, 1725, finding a judgment of said House against said Fitch, as being principal or accessory in a riot committed in Hartford and other parts of the government, 1722, and not finding that said Fitch hath at any time since been restored and discharged, consider and order said Fitch to seclude the House until such submission be performed by said Fitch as the House shall accept, and that said Fitch be apprized hereof. *Journal, L. H.*, May 14th, 1728.

† Capt. Timothy Pierce was chosen Speaker at the organization of the House, but he having been elected an Assistant, and having taken his seat in the Upper House, Capt. Newton was, on the 10th, called to the chair.

James Wadsworth, John Hall, John Hooker, Nathaniel Stanly, Joseph Whiting, Ozias Pitkin, Esq^rs^, Capt. Thomas Seymor, Mr. John Curtice, Capt. John Munson, Capt. John Russell, Major John Clark, Mr. Dan^ll^ Palmer, Capt. Joseph Platt, Capt. Jonathan Hoitt, Capt. John Woodward, and Mr. Peter Buell, who were all sworn truly and faithfully to receive, sort and count the said votes. And the freemens votes being brought in, sorted and counted,

The Hon^ble^ Joseph Talcott, Esq^r^, was chosen Governour of this Colony for the year ensuing. The governours oath and the oaths required by act of Parliament relating to trade and navigation, was administred to him in the presence of this Assembly.

The Hon^ble^ Jonathan Law, Esq^r^, was chosen Deputy Governour of this Colony for the year ensuing.

John Hamlin, Esq^r^, Samuel Eells, Esq^r^, Mathew Allyn, Esq^r^, Roger Wolcott, Esq^r^, James Wadsworth, Esq^r^, John Hall, Esq^r^, Christoph. Christophers, Esq^r^, John Hooker, Esq^r^, Nathaniel Stanly, Esq^r^, Joseph Whiting, Esq^r^, Ozias Pitkin, Esq^r^, Timothy Peirce, Esq^r^, were chosen Assistants of this Colony for the year ensuing.

[618] John Hamlin, Samuel Eells, Roger Wolcott, James Wadsworth, John Hall, John Hooker, Nathaniel Stanly, Joseph Whiting, Ozias Pitkin, Timothy Pierce, Esq^rs^, had the assistants oath administered to them in the presence of this Assembly.

Mr. John Whiting was chosen Treasurer of this Colony for the year ensuing.

Capt. Hez. Wyllys was chosen Secretary of this Colony for the year ensuing and accordingly sworn to that office and trust in the presence of this Assembly.

Ordered by this Assembly, That Nathaniel Stanly, Esq^r^, and Capt. Thomas Seymor do return the thanks of the Assembly to the Reverend Mr. Thomas Buckingham, for his sermon delivered before the Assembly on the 9th instant, and desire him to grant a copy that it may be printed.

This Assembly do establish and confirm Mr. James Reignolds of Greenwich, to be Captain of the east company or trainband at Horseneck in the town of Greenwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezar Mead of Greenwich, to be Lieutenant of the east company or trainband at Horseneck in the town of Greenwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Reignolds of Greenwich to be Ensign of the east company or trainband in Horseneck in the town of Greenwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Lyon of Greenwich to [be] Captain of the west company or trainband at Horseneck in the town of Greenwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Mead of Greenwich to be Lieutenant of the west company or trainband at Horse Neck in the town of Greenwich aforesaid, and order that he be commissioned accordingly.

This Assembly do appoint Mr. Joseph Reignolds of Greenwich to be Ensign of the west company or trainband at Horse Neck in the town of Greenwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Lee of Lyme to be Ensign of the east company or trainband in the town of Lyme aforesaid, and order that he be commissioned accordingly.

[619] This Assembly do establish and confirm Mr. Samuel Butt of Canterbury, to be Lieutenant of the company or trainband in the town of Canterbury aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Deliverance Brown of Canterbury, to be Ensign of the trainband in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Hez. Huntington of Norwich, to be Ensign of the first company or trainband in the town of Norwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Judson of Stratford, to be Lieutenant of the north company or trainband in the town of Stratford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abra'n Woster of Stratford, to be Captain of the company or trainband at the parish of Repton in the town of Stratford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Hubbell of Stratford, to be Lieutenant of the company or trainband at the parish of Repton in the town of Stratford aforesaid, and order that he commissioned accordingly.

This Assembly do establish and confirm Mr. Jonas Woster of Stratford, to be Ensign of the company or trainband at the parish of Repton in the town of Stratford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Avery of Groton to be Captain of the first company or trainband in the town of Groton aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezar Avery of Groton to be Lieutenant of the first company or trainband in the town of Groton aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Hart of Farmington, to be Captain of the company or trainband at the parish of Kensington in the town of Farmington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Lee of Farmington, to be Ensign of the company or trainband at the parish of Kensington in the town of Farmington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Griswold of Killingsworth to be Ensign of the west company or trainband in the town of Killingsworth aforesaid, and order that he be commissioned accordingly.

[620] This Assembly do appoint the Hon^{ble} Jonathan Law, Esq^{r}, to be Chief Judge of the Superiour Court for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, James Wadsworth, Esq^{r}, and John Hooker, Esq^{r}, to be Assistant Judges of the Superiour Court for the year ensuing.

This Assembly do appoint Roger Wolcott, Esq^{r}, to be Judge of the County Court in the county of Hartford.

This Assembly do appoint John Hall, Esq^{r}, to be Judge of the County Courts in the county of New Haven.

This Assembly do appoint Christopher Christophers, Esq^{r}, to be Judge of the County Courts in the county of New London.

This Assembly do appoint Major John Burr to be Judge of the County Courts in the county of Fairfield.

This Assembly do appoint Timothy Pierce, Esq^{r}, to be Judge of the County Courts in the county of Windham.

This Assembly do appoint the Hon^{ble} Joseph Talcott, Esq^{r}, to be Judge of the Courts of Probate in the county of Hartford.

This Assembly do appoint Joseph Whiting, Esq^{r}, to be Judge of the Courts of Probate in the county of New Haven.

This Assembly do appoint Christopher Christophers, Esq^{r}, to be Judge of the Courts of Probate in the county of New London.

This Assembly do appoint Major John Burr to be Judge of the Courts of Probate in the county of Fairfield.

This Assembly do appoint Timothy Peirce, Esq^{r}, to be Judge of the Courts of Probate in the county of Windham.

This Assembly do appoint Mr. James Hooker to be Judge of the Courts of Probate in the district of Guilford.

This Assembly do appoint Capt. Joseph Minor to be Judge of the Courts of Probate in the district of Woodbury.

This Assembly do appoint Capt. Samuel Mather, Colo. David Goodrich, Capt. William Wadsworth, Mr. Thomas Kimberly, Capt. Joshua Robbins, Capt. Thomas Judd, Mr. Michael Taintor, Capt. James Wells, Capt. Hez. Wyllys, Capt. John Marsh, Mr. John Hopkins, Capt. Thomas Gates, Mr. Joseph Phelps, Mr. Benjamin Skinner, Mr. Josiah Goodrich, Mr. John Bissell, Capt. Thomas Ward, and Capt. Benjamin Addams, to be Justices of the Peace in the county of Hartford.

This Assembly do appoint Capt. Sam^{ll} Mather, Colo. David Goodrich, Capt. W^{m} Wadsworth, and Mr. Thomas Kimberly, to be of the Quorum in the county of Hartford.

[621] This Assembly do appoint Mr. Warham Mather, Mr. Samuel Bishop, Mr. James Hooker, Capt. John Riggs, Capt. Andrew Ward, Capt. Janna Meiggs, Mr. Sam^{ll} Brunson, Capt. Theophilus Yale, Capt. Roger Newton, Capt. Samuel Gunn, Capt. Joseph Hull, Capt. John Russell, Capt. Henry Crane, to be Justices of the Peace in the county of New Haven.

This Assembly do appoint Mr. Warham Mather, Mr. Samuel Bishop, Mr. James Hooker, and Capt. John Riggs, to be of the Quorum in the county of New Haven.

This Assembly do appoint Mr. John Plumb, Mr. Joseph Backus, Mr. Samuel Lynde, Mr. Daniel Palmer, Mr. John Brown, Mr. Nathan^{ll} Cheesebrough, Mr. James Morgan, Mr. James Avery, Mr. Dan^{ll} Brewster, Mr. Moses Noyes, Mr. Thomas Lee, Mr. Stephen Whittlesey, Mr. Abram Pierson, Capt. David Buell, Capt. Joshua Hempstead, Capt. Jabez Hide, to be Justices of the Peace in the county of New London.

This Assembly do appoint Mr. John Plumb, Mr. Joseph Backus, Mr. Samuel Lynde, Mr. Daniel Palmer, to be of the Quorum in the county of New London.

This Assembly do appoint Joseph Curtice, Esq^{r}, John Sherman, Esq^{r}, Mr. Joseph Bishop, Capt. Joseph Minor, Mr. Edmund Lewiss, Capt. Joseph Platt, Capt. Moses Diamond, Maj^{r} John Burr, Mr. Sam^{ll} Peck, Mr. Eben^{z} Mead, Mr. Gershom Lockwood, Capt. Jonathan Hoitt, Mr. John Copp, Mr. Thomas Fitch, Mr. Richard Osborn, Mr. John Gregory, Capt. Sam^{ll} Couch, Capt. John Hally, Mr. Thomas Bennitt, Capt. Wm. Preston, Mr. Andrew Burr, Mr. John Gold, Capt. James Bebee, and Capt. Thomas Towsey, to be Justices of the Peace in the county of Fairfield.

This Assembly do appoint Joseph Curtice, Esq^{r}, John Sherman, Esq^{r}, Mr. Joseph Bishop, Capt. Joseph Minor, Mr. Edmund Lewiss, Capt. Joseph Platt, Capt. Moses Diamond, to be of the Quorum in the county of Fairfield.

This Assembly do appoint Mr. Joshua Ripley, Capt. Tho: Huntington, Capt. Joseph Addams, Mr. Eben^{z} West, Capt. John Fitch, Mr. Joseph Strong, Maj^{r} John Sabin, Mr. Joseph Levinz, and Capt. John Woodward, to be Justices of the Peace in the county of Windham.

This Assembly do appoint Mr. Joshua Ripley, Capt. Tho. Huntington, Capt. Joseph Addams, Mr. Ebenezar West, to be of the Quorum in the county of Windham.

This Assembly do establish and confirm Mr. Joseph Dudley of Seybrook to be Lieutenant of the company or trainband in the old society in the town of Seybrook aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Pratt of Seybrook to be Ensign of the company or trainband in the old society in the town of Seybrook aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Licester Grosvenor of Pomfrett to be Captain of the company or trainband in the town of Pomfrett aforesaid, and order that he be commissioned accordingly.

[622] This Assembly do establish and confirm Mr. Joseph Chandler of Pomfrett to be Lieutenant of the company or trainband in the town of Pomfrett aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Henry Smith to be Lieutenant of the company or trainband partly in the town of Pomfrett and partly in the town of Canterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Trumbull to be Captain of the Troop in the county of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jabez Huntington to be Lieutenant of the Troop in the county of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezar Mettcalf to be Cornett of the Troop in the county of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Munford to be Lieutenant of the Troop in the county of New London, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Tracy to be Cornet of the Troop in the county of New London, and order he be commissioned accordingly.

Upon the prayer of Elizabeth Jordan, administratrix on the estate of her deceased husband Miles Jordan, late of Voluntown, deceas'd, representing to this Assembly that the said deceas'd dyed indebted the sum of one hundred eighty-two pounds eight shillings and five pence more than his chattels are sufficient to answer: This Assembly grants power to the administratrix of said estate, with the advise of the court of probate of the county of Windham, to sell and dispose of so much of the real estate of said deceas'd as shall suffice to pay the said sum of one hundred eighty-two pounds eight shillings and five pence and the charges of selling and all things relating thereunto.

Upon the memorial of William Howard of Bolton, shewing to this Assembly his reduced circumstances bro't upon him by the charge he is and hath been at in maintaining and providing for his wife, who long hath and doth labour under distraction; also shewing that he hold a small parcel of land in right of his said wife, lying in Wethersfield, containing about three roods, lying in common and undivided with other the lands belonging to the coheirs of Benj^{a} Gardner, late of Wethersfield, butted east on Samuel Stedman, west on Zachariah Seymor, north on Isaac Shelding, south on common land; praying liberty of this Assembly to sell and dispose of said land to the use of his said wife: This Assembly hereby authorizes and impower the said William Howard said land to sell, ample and lawful deed of conveyance thereof to execute, and that such conveyance shall be effectual in law to the purchasers sure holding said land to him and his heirs forever, as thô the wife of said Howard in sound mind and memory had consented and joyntly acted with the said William Howard in executing the premises; and that the money produced by such sale be improved in the maintenance of his said wife.

On the petition of Joseph Williams and Timothy Pierce,

jun^r, who have erected a bridge over Quinabaug River between the towns of Plainfield and Canterbury, praying for some consideration from this Assembly: Ordered, that said [623] bridge be kept as a toll bridge || by the petitioners during the term of ten years next ensuing, and no longer; and that the fares be as follows, viz: For man, horse and load, two pence; single man one penny; for each horse and all neat cattle, one penny per head for one time; and for all sheep and swine, one shilling per score, and so *pro rato*.

Upon the prayer of Hannah Fellows, administratrix on the estate of her deceas'd husband Ephraim Fellows, late of Stonington, deceas'd, representing to this Assembly that the said deceas'd dyed indebted the sum of forty pounds eight shillings and nine pence more than his chattels are sufficient to answer: This Assembly grants power to the administratrix of said estate, with the advice of the court of probate of the county of New London, to sell and dispose so much of the real estate of said deceas'd as shall suffice to pay the said sum of forty pounds eight shillings and nine pence and the charges of selling and all things relating thereunto.

This Assembly do establish and confirm Mr. Josiah Hart of Farmington to be Licutenant of the first company or trainband in the town of Farmington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Roger Newbury of Windsor to be Ensign of the first company or trainband in the town of Windsor aforesaid, and order that he be commissioned accordingly.

An Act for running the Boundary Line between this his Majesties Colony of Connecticutt and the Colony of Rhode Island and Providence Plantations.

His Honour the Governour having informed this Assembly that he hath long expected, althô not yet received, advice from Great Britain how his Majesty has determined the controversy between this Colony and the Colony of Rhode Island, respecting their bounds; and also that the Governour of Rhode Island by letters has informed him that his late Majesty, King George the first, hath determined that affair, and that he hath by him an authentick copy of his said Majestys determination thereon, and that the Assembly of that Colony, at their sessions holden at Newport on the first Wednesday of May instant, have appointed and impowred commissioners on their part to run the boundary line as settled by his late Majesty aforesaid, and to erect monuments therein; and that their commissioners are ordered by the act of their Assembly to be at Warwick southwest corner on the 21st of May instant, to begin and go on

till they have perfected that work by themselves, unless commissioners on the part of this Colony do then and there appear and joyn with them in settling the said line; a copy of which act of their General Assembly, sent by their Governour, was now by his Honour our Governour laid before this Assembly. This resolution of the government of Rhode Island to run the line by themselves, (without any order from his Majesty so to do,) without first serving this government with a copy of his Majesties determination, with a reasonable time to provide for said service, is, in the opinion of this Assembly, sudden, unwarrantable, and upon tryal will be found utterly insufficient to justify their running the line *ex parte:* Yet, nevertheless, being very desirous that if it shall appear in what place his late Majesty has determined the line to be, that then [624] it be accordingly run and affixed as soon as possible: ‖ This Assembly do therefore hereby nominate, appoint, and fully impower Roger Wolcott, Esq^r^, James Wadsworth, Esq^r^, and Mr. Dan^ll^ Palmer, or any two of them, Commissioners on the part of this government, to meet with such commissioners as are appointed and fully impowred by the government of Rhode Island and Providence Plantations to run and affix the boundary line between the said Colonies, according to the determination of his late Majesty King George the first, with such commissioners of said Rhode Island to run and ascertain said line, and erect monuments therein, for the settling and perpetuating the same. Provided the commissioners from Rhode Island shall produce an authentick copy of his late Majesties determination of the place of said line. And the said commissioners are ordered to take with them one or more able surveyors to assist them in that work.

This Assembly order that thirty pounds be drawn out of the treasury of this Colony per Capt. James Wadsworth, to be improved for publick service in running the line between this Colony and the Colony of Rhode Island, and matters relating thereto.

An Act for appointing a Court of Probate to be held at Stanford.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be a court of probate held at Stanford for the towns of Stanford, Greenwich and Ridgefield, to be held by one judge and clerk, with powers and privileges and fees as the other courts of probate have in this Colony; and in such cases where the law allows liberty of appeal, appeals shall be made to the superiour court in the county of Fairfield.

This Assembly appoint Capt. Jonathan Hoitt Judge of the Court of Probate in the district of Stanford.

Upon the prayer of Benjamin Hoitt of Stanford, guardian unto Jonas Hoitt of said town, shewing to this Assembly that the said Jonas Hoitt, now about the age of sixteen years, son of Jonas Hoitt deceas'd, of the town aforesaid, is *non compos mentis*, thrô which disability he never hath been able, or is like to be for the future, to provide for himself; the said Jonas Hoitt having set out to him for his filial portion, as appears per records of the court of probate in the county of Fairfield, sixty-seven pounds eleven shillings and ten pence, all in lands, and the greatest part thereof uncultivated, and so unprofitable by produce or rents; the which land if sold and the money produced on such sale let to lawful interest, the incomes of it would almost or altogether maintain said discomposed person; moving that this Assembly would impower and enable some meet person or persons said land to sell and effectual conveyances thereof make to the purchasers: This Assembly hereby fully impowers and authorizeth Benjamin Hoitt, jun^{r}, Capt. Jonathan Hoitt, Mr. Samuel Hoitt the second, uncle to the minor, or either of them agreeing therein, to sell said lands to the highest bidder, and to give and pass ample and valid [625] deeds ‖ of conveyances of the land and premises, and that such deeds shall be effectual to the purchasers sure holding said lands to them [and] their heirs forever; and that the money produced by such sale be let out to interest, and both the incomes and principle, as occasion may be, improved in the maintenance of the aforesaid Jonas Hoitt, discomposed as aforesaid; and provided any thing remains of the aforesaid money at or after the death of the aforesaid Hoitt, said surplusage to descend to those who by the common laws of this government are entituled unto it.

This Assembly do appoint Christopher Christophers and John Hooker, Esq^{rs}, Capt. Samuel Maltbey, Capt. Thomas Wells, Mr. Samuel Burr and Mr. Edmund Lewiss, to audit the Colonies accounts with the Treasurer.

Upon the memorial of Jonathan Dunham, Nathan^{ll} Skinner, John Gates, Stephen Brainerd, and many others of the inhabitants living on the western side of the township of Colchester, together with Sam^{ll} Emons, Job Ackley, and other the inhabitants of Haddam East, offered to this Assembly,—praying said Assembly to appoint and impower a committee to view the state, circumstances and settlements of said inhabitants, with the lands next adjacent, with respect to their ability and accommodations to afford and furnish a distinct society, and to limit and extend the same, and all at the proper cost

of said petitioners: This Assembly authorizes and impowers Capt. James Wadsworth, Esq^r, Mr. Thomas Kimberly and Mr. Samuel Lynds, a committee to view the circumstances of the said inhabitants, and if it shall seem expedient to said committee that a new society may be separated and formed, to consider and determine its limits and describe the course and lines of division between said society and the towns out of which it is constituted, and report the whole matter to the General Assembly at October sessions next ensuing, for confirmation, at the petitioners cost.

Resolved by this Assembly, That the auditors shall receive and dispose of the dead stock, or bills bro't in by rates, now in the Treasurers hands, in the following manner, viz: Two of the said auditors joyntly shall receive each parcel or bundle of said money, which they shall first sort, laying such of said bills as are defaced and unfit for further service by themselves, and such as are fit for service by themselves; after which they shall joyntly count or number the same, and the true sum being found they shall keep both parts aforesaid in the immediate care and custody of them two, and proceed in like manner with another bundle or parcel, and so on to the third, fourth, &c., as the time will allow; and all the torn and defaced bills as aforesaid which each two shall receive as aforesaid, the said two shall joyntly burn and consume to ashes before their leaving the house, and the bills fit for use as aforesaid they shall, before leaving the house, deliver to the Treasurer for the further service of this Colony, taking his receipt for the same; and in this manner they shall pass through the whole of said bills bro't in by rates; then they shall proceed in like manner to receive and count the bills bro't into the treasury by exchange, and the true sum of said bills being known, they shall proceed to burn and consume to ashes the said bills in the manner aforesaid, keeping an exact and distinct account of all bills so burnt of the rate bills and the bills bro't in by exchange as aforesaid. And this act to be of force until this Court shall order otherwise.

[626] Upon the memorial of Martha Lewiss of New London, shewing to this Assembly that some time past her husband, Thomas Lewiss, left her with design, as tis vehemently suspected, never to return to her again, being under very low circumstances left with three small children; shewing that if she was enabled with power as a lawful attourney to represent her said husband she might be in part relieved by receiving the debts due to her said husband and vindicating herself against injury and wrongs, &c.: Whereupon this Assembly fully and effectually authorizes and with full power vests said

Martha Lewiss to do, act, transact in all lawful manners and ways as attourney for her said husband, and her acting as such to be valid in all constructions of law whatsoever, all the debts due to her said husband to recover and receive, and to her proper use improve, and that her receipts of such debts shall be sufficient discharges of said debtors and fully defensive at all times against and to plead in bar of any process brought by the said Thomas Lewiss her husband; whose said Martha Lewiss her authority shall in all things be as valid and ample as she by her own husband constituted and ordained his lawful attourney to sue or defend any action; whose said doings shall in no wise be lyable to be reversed by said husband or any by him constituted.

Upon the memorial of William Dudley, Esq^{r}, Major John Chandler and Mr. Edward Shove, a committee in the name and behalf and by order of the Province of the Massachusetts Bay:

This Assembly, for the preventing lawsuits and controversies that might arise among the claimers of several parts of that tract of land lying between the ancient reputed dividend line between the Massachusetts and Connecticutt Colonies, commonly called Woodward and Safferies line, and the dividend line as now it is settled, fixed and ascertain'd, and lying north of Killingly as formerly granted by this Court, and for the accommodating differences that might arise by means of some of the surveys that have been made of some grants of this Court and some surveys made on the grants of the Massachusetts Province and allowed by agreement between the two Colonies by their commissioners to be granted and confirmed to the claimers lapping on to the ancient grant of Killingly and extending southward of the said Woodward and Safferies line: This Assembly do grant unto Peter Aspinwall and Benj^{a} Bigsby, and the rest of the present proprietors being inhabitants of the town of Killingly, and to their heirs forever, all the above described tract of land, excepting only that part thereof which has been agreed by the commissioners aforesaid to be granted and confirmed to the claimers under the Massachusetts grants, and that part thereof which is holden by the grants of this Court and thereon survey'd and laid out, and so much of the said tract of land as shall be needful to make up unto any and all the claimers aforesaid an equivalent to him or them who have thrô mistake had their surveys lapped on to their neighbours land; upon this condition, that the proprietors of Kellingly do not molest nor disturb any of the claimers aforesaid on that part of their land which by their surveys are extended southward of Woodward [627] and Safferies line aforesaid. ‖ And this Assembly do

appoint Timothy Pierce, Esq^r, and Capt. Joseph Addams to be a committee, at the charge of the proprietors and claimers, to lay out, settle and ascertain the lands of the aforesaid claimers, and the remainder aforesaid to the said proprietors of Killingly, and to improve a surveyor, if need be, to assist therein; and that the abovesaid committee make report of their doings therein to this Assembly in May next.

This Assembly being inform'd by the Hon^ble the Governour, that in January last information and complaint coming to him from the Hon^ble the Dep^t Gov^r and divers others in authority in this government, that a very dangerous and mischievous practice was fallen into in this Colony, especially in the county of Fairfield, of setting up lotteries and the sale of goods and other things by lotteries, by means whereof multitudes of people were so infatuated as to be very much withdrawn from their necessary and ordinary occasions and led into many ill and vile practices, and many poor people tempted to venture the loss of that which they had a necessary dependence upon for their subsistence and for the payment of their honest debts; which practice was growing to a prodigious rate, whereby the welfare of the people of this government was greatly threatned; there being no express law of this Colony to suppress it, the Hon^ble the Governour thought it proper to call the Council, who, upon consideration thereof, did adjudge it expedient for the health of the government that proclamation should be immediately issued forth, prohibiting all such practices. Whereupon, pursuant to a certain clause in our royal charter directing the Governour and Council to take care of the government of the people thereof, a proclamation was sent forth, in form following, viz:—By the Hon^ble Joseph Talcott, Esq^r, Governour of his Majesties Colony of Connecticutt, a Proclamation. Forasmuch as sundry persons in the counties of Fairfield and New Haven have of late presumed, without any lawful lycence, to set up lotteries and to vend off their goods by lottery, to the very great abuse of many of his Majesties subjects, who have inadvertently been drawn in to venture and loose their moneys in such lottery, and to the occasioning very great disorders, tumults and mispence of precious time, which practices has never been counted lawful nor allowed in any of his Majesties dominions: I have therefore, with the advice of the Council, prohibited, and do hereby prohibit and strictly forbid all persons within this his Majesties Colony of Connecticutt to set up any lottery for the sale of goods, or to sell or vend off any parcel, parcels or quantities of goods whatsoever, or moneys, by lottery, as they will an-

swer the contempt hereof at their peril. And I do hereby order and direct all justices of the peace, constables and selectmen, within their precincts, to pull down and deface all advertizements of such lotteries, and to their utmost, by all lawful means, discountenance and suppress all such unjust and pernicious practices. Given under my hand in Hartford, the 22d day of January in the first year of the reign of our sovereign lord, George the second, of Great Britain, &c., King, *annoque Dom.* 172$\frac{7}{8}$. J. Talcott.—Which proclamation were accordingly issued forth and published in all or most of the towns in this Colony, and particularly in the towns of Fairfield and Nor-
[628] walk. ‖ Yet, notwithstanding the publication of the proclamations aforesaid in the towns of Fairfield and Norwalk aforesaid, one John Denny of Fairfield and one Samuel Cluckstone of Norwalk, knowing and being sufficiently informed and acquainted with the proclamations aforesaid, in contempt of the authority aforesaid and with a wilful resolution to continue the pernicious practice aforesaid, the said John Denny did, on or about the 12th day of March last, after the publication of the proclamation aforesaid, at the house or shop of the said John Denny at Fairfield, then and there vend and put off divers hundred pounds worth of goods by way of lottery; and the said Samuel Cluckstone did, on or about the fifteenth day of February last past, after the publication of the proclamation aforesaid, at the house of Samuel Cluckstone at Norwalk, then and there vend and put off great quantities of goods by way of lottery.

Whereupon it is resolved by this Assembly, That the said John Denny and Samuel Cluckstone be forthwith bro't before this Assembly to answer severally for their contempt aforesaid; and that, for that end, the secretary do immediately send forth attachments by order of this Assembly to the sheriff of the county of Fairfield or his deputy, to require and command them forthwith to bring the said Denny and said Cluckstone before this Assembly, to answer for the contempt aforesaid; and also summons for the evidences necessary for the proof, as by the King's attorney he shall be directed.

Upon the petition of the town of Litchfield to this Assembly, that a tax of five shillings per hundred for every hundred acres divided land within said township, and so in the same proportion for greater or less quantities: Resolved by this Assembly, that all the divided lands, both improved and unimproved, (except such lands that have been improved so long as by law are required to be put into the common list,) shall be taxed, and are hereby taxed, at five shillings per hundred acres, and so in the same proportion for greater or less quan-

tities. It is further resolved, that each and every proprietor of said land do pay each and every particular part of their money according to their respective proprieties. Said money to be paid to the selectmen of said town, to be improved for defraying the necessary charges thereof, at, on or before, the tenth day of next March, and so annually, at, on or before, the tenth day of every March for the space of four years next ensuing. And if any proprietor or proprietors do neglect or refuse to pay the before granted tax, or any part thereof, on or before said time, unto the selectmen of said town, then it shall be in the power of the selectmen to apply themselves to the next authority, who is hereby impowred to grant a warrant to any lawful officer for the distreining and recovering said tax, as the law directs for the collecting and recovering town rates by collectors or constables, by making distress for the same. Always provided, that no tax be laid upon any of the lands belonging to any of the three publick rights of land in said town.

This Assembly do establish and confirm Mr. John Frink of Stonington to be Ensign of the third company or trainband in the town of Stonington aforesaid, and order that he be commissioned accordingly.

[629] Upon the petition of Thomas Hill of Fairfield, complaining of an erroneous judgment gained against him by Robert Sillaman and Sarah his wife of said Fairfield, for the surrendry of fifteen acres of land, part of a long lot in said Fairfield formerly belonging to Cornelius Hull deceas'd, at the superiour court at Fairfield aforesaid in February last, praying the said judgment might be reversed and one tryal more allowed him at the superiour court at said Fairfield in August next, and if he should recover judgment, the whole cost with what had been taken from him might follow the same: Upon consideration whereof, it is resolved by this Assembly, that the said judgment shall be reversed, and it is hereby reversed and made void, and all the doings with execution thereupon; and the said Thomas Hill is hereby granted liberty to have one tryal more of said case at the superiour court to be holden at said Fairfield in August next; and that if he shall recover judgment, the whole cost from the first of the suit shall be allowed him.

This Assembly do establish and confirm Mr. Joseph Cruttington of Guilford to be Ensign of the first company or trainband in the town of Guilford aforesaid, and order that he be commissioned accordingly.

This Assembly, at October sessions, *anno* 1727, upon the

motion of Capt. Thomas Stoughton, agent for the town of Windsor, appointed John Hooker, Esq^{r}, Nath^{ll} Stanly, Esq^{r}, and Capt. Thomas Seymor, a committee with instructions to repair unto and view the circumstances of the state of the town of Windsor, with respect to certain highways lately there laid out to the grievance of said town, to report the true state of said town's circumstances to this Assembly at this instant May sessions, 1728; which service being so far delayed that it cant be performed seasonably to be reported within the term to which said report was limited: Whereupon this Assembly, at May sessions, *anno* 1728, again authorize and impower said committee to perform said service, and make report to this Assembly at their sessions in October next, all at the proper cost of said town, and that execution going forth against the selectmen of the town of Windsor, on account of the costs arisen on the laying out and purchasing said highways be stayed and suspended until said October sessions to which the report is limited.

Ordered by this Assembly, That the commissioners now going to settle the line with Rhode Island shall have a commission, under the hand of his Honour the Governour and the seal of the Colony.

Upon the petition of Benjamin Hickcox, administrator on the estate of David Hickcock late of Woodbury deceas'd, praying for a liberty to sell so much of the land of the deceas'd as will pay the debts due from said estate, which this Assembly have considered, and it is hereby ordered, that the abovesaid Benjamin Hickcox do sell so much of the land of the abovesaid David Hickcox as to pay the just debts due from said estate, being twenty-seven pounds two shillings and seven pence, with the necessary charges that shall arise upon such sale. And the abovesaid Benjamin Hickcox is hereby fully impowred to execute lawful deeds of conveyance for the same.

An Act in Addition to an Act entituled An Act providing in Case of Sickness, made in the tenth Year of the Reign of Queen Ann.

Be it enacted and ordained by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when it shall happen, by reason of [630] any infectious ‖ or other disease, that it shall become necessary in the judgment of the selectmen of the town that tenders should be impressed into that service, and a warrant is accordingly granted, and any person or persons impress'd, that upon his or their refusal or neglect to attend the said service, that it shall be in the power of them who granted the warrant, if sufficient cause of excuse to them satisfying be not

shewn, to commit him, her or them, to the common goal of the county where it happens to be, there to remain at his, her or their charge, till they will better conform themselves, or the occasion of the impressing shall be over and signifyed by them who granted the warrant to the keeper of the goal under their hands.

And further, That wherein it is not provided in the said act how satisfaction shall be made for tendance or other necessaries, the charges shall be adjusted by the said justices who granted the warrant, who are also hereby impowred to send forth a distress for levying the same.

And it is further provided, That when and so often as it shall happen that occasion shall be for such warrant, and but one justice of the peace or assistant can be come at in the town where any such relief shall be needed, that any one assistant or justice of the peace shall be sufficient and effectual for signing the warrant.

Upon the petition of Andrew Daviss against the heirs of Richard Christophers, Esq^{r}, deceas'd: Resolved by this Assembly, that the judgment given by the superiour court at New London, September, A. D. 1727, between the heirs of said Richard Christophers, Esq^{r}, deceas'd, and said Andrew Daviss, be reversed, and said judgment is hereby reversed; and the said Andrew Daviss is hereby granted one tryal more in the aforesaid case, to be had in the superiour court to be held in New London in September next; provided the said Daviss cause to be delivered to some one of the aforesaid heirs a copy of the aforesaid act six days before the sitting of said superiour court at New London in September next.

This Assembly do establish and confirm Mr. John Bissell of Bolton to be Captain of the company or trainband in the town of Bolton aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Talcott of Bolton to be Lieutenant of the company or trainband in the town of Bolton aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Moses Bull of Bolton to be Ensign of the company or trainband in the town of Bolton aforesaid, and order that he be commissioned accordingly.

The judges of the superiour court representing to this Assembly that there being a great number of causes depending in the last superiour court at Hartford, more than the time allowed them would suffice their inquiry into, they thought it

proper to adjourn the said court to [the] third Tuesday of this instant May, to that end that they might know the encouragement of this Assembly for their proceeding on the said adjournment: It is now resolved by this Assembly, that the same allowance shall be made to them as is allowed them by the week in the circuits.

This Assembly do appoint Mr. Izrahiah Wetmore to be Justice of the Peace in the county of Hartford.

[631] An Act for Reviving and further Continuing the Law entituled An Act for Preventing the Small Pox being spread in this Colony by Pedlars, Hawkers and Petty Chapmen, made by this Assembly the twelfth Day of October one thousand seven hundred and twenty-one, with this Proviso, that this Act shall take Place from and after the first Day of November next, and continue in Force for three Years and no longer.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforesaid act shall be and remain of full force, in all the intents and constructions thereof, from the rising of this General Assembly until this Court shall order otherwise.

Its further enacted, by the authority aforesaid, That the law in page 228,* entituled An Act concerning pedlars, hawkers, &c. be repealed, and it is hereby annull'd and repeal'd.

This Assembly appoint the Worshipful John Hall, Esq^{r}, to receive of the Treasurer of this Colony the sum of sixteen pounds, who is hereby ordered to pay the sum aforesaid unto the said John Hall, Esq^{r}; and said Hall, Esq^{r}, is hereby directed to pay the same to the Indians, by names Jarrey and Jampney, upon their duly executing a deed for the conveyance of a tract of land, or the use of it reserv'd or conveyed to them in the bargains between them and the committees of the towns of Hartford and Windsor, excepting that which lyes in Woodbury bounds, to the Governour and Company; and that upon the payment of the one-half of the money unto the treasury, that the one-half of the land shall be divided to the towns of Hartford and Windsor aforesaid, and discounted by the committee appointed to settle the western lands between the Colony and the towns, as the committees have projected. Provided that the towns of Hartford and Windsor pay the one-half of the money into the treasury by the first of March next.

Upon the memorial of Elisabeth Standish, administratrix on the estate of Miles Standish, late of Preston in the county of New London, deceas'd, shewing that the debts due from said estate surmount the personal estate the sum of £34 11*s.* 5*d.*:

* Vol. VI., 23.

This Assembly grants liberty and full power to the said Elizabeth Standish, to sell so much of the real estate of said deceas'd as to procure the sum of £34 11*s.* 5*d.* and also so much as to defray the necessary charge and utensils allowed by the judge of the probate in New London for the widows support; and to be under the direction of said judge of probate in the sale thereof.

Upon the memorial of Elnathan Minor, jun^{r}, one of the listers of Stonington for the year 1726, shewing to this Assembly that the justices of the peace and selectmen of Stonington, sometime in the year 1727, had made sundry abatements of the fourfold assessments made by the listers of said Stonington in the year 1726, praying that this Assembly would make void the said abatements and give orders to the constable and collectors of said town to collect the rates arising upon the fourfold assessments aforesaid, and to deliver to the said listers their parts of the said rates: This Assembly do order that [632] the abatements made as aforesaid shall || be reversed, and the same are hereby reversed and made utterly void; and the constable and collectors of the said town for the year 1727 are hereby directed and ordered to collect the rates arising on the fourfold assessments aforesaid, and to dispose of the same as the law directs, in that case made and provided.

Upon the petition of William Rogers of New London *v.* Jabez Cheesebrough, complaining of a final judgment of the superiour court holden at New London, September 26th, *anno* 1727, praying liberty of a new tryal, &c.: Resolved by this Assembly, that said Rogers shall have another tryal of his action before the superiour court to be holden at New London on the 4th Tuesday of September next, and that only the future cost be allowed upon the judgment, and that execution be stayed until said court.

Sarah Luddington of New Haven, administratrix on the estate of Henry Luddington, late of New Haven, deceas'd, having shewn to this Assembly that the debts and allowances on said estate are more than the whole of the moveable estate the sum of eighteen pounds seven shillings and two pence, and praying that she might be enabled to make sale of so much of the real estate of the deceas'd as to make the said sum with necessary charges of sale: Whereupon this Assembly do fully authorize and impower the said Sarah Luddington to make sale of so much of the lands of the deceas'd as shall produce the sums aforesaid, at the direction of the judge of the probates in New Haven, and of the same so sold deeds thereof to make and execute, that shall be effectual in the law for the holding of it to the purchaser, his heirs and assigns forever.

Upon representation made to this Assembly by the inhabitants of the town of Waterbury, that they are at much greater distance from the county and superiour courts holden at Hartford in and for said county, to which county they now belong, than they are from the county and superiour courts holden in New Haven in and for that county, whereby they are grieved and burdned with great and needless travels: To prevent which,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future the town of Waterbury be, and is hereby declared to be, annexed to the county of New Haven. And that all actions hereafter commenced to be tryed before the county court shall be tryed by the county court holden at New Haven in and for said county. And whensoever any suit or action is removed from said court by appeal or review, that it be bro't before the superiour court in the county of New Haven aforesaid.

Always provided, That this act and nothing therein contained shall be construed to the hurt and prejudice of said town in its priviledges as it lyes within the district of the court of probate holden at Woodbury; and that appeals from the sentence and decree of said court of probate be bro't before the superiour court in the county aforesaid.

Upon the memorial of the selectmen of the town of Hartford, representing to this Assembly the circumstances of one Samuel Smith, who doth, and long hath laboured under distraction, aged about thirty years; who for about eight or ten years hath been maintained at the charge of said town at sixteen pounds per year; of whose composure and sanity of mind there is no visible prospect; shewing also that to the said Samuel Smith there is belonging certain tracts of land, parcel whereof is situate in Hartford, parcel also in Hadley, in the county of Hampshire in the Province of the Massachusetts; [633] praying liberty and authority to sell said lands || and sure conveyances thereof make to the purchasers, reserving the life [estate] of the widow Smith, mother of the aforesaid Samuel Smith, in said lands situate in Hartford: Whereupon this Assembly impowers Mr. Joseph Pitkin of said Hartford said land to sell, ample and valid deeds of conveyances thereof to make and execute to the highest bidder, and that the said conveyances shall be effectual to the purchasers sure holding the fee and property of said land; always reserving the whole use of said lands situate in Hartford unto the mother of said Samuel Smith during the term of her natural life; and that the money produced by such sale shall be improved in the main

tenance of the said Smith, and if any thereof be remaining after the death of said Smith, such surplusage to go to the use of the town aforesaid.

This Assembly do establish and confirm Mr. Abiel Marshall to be Quarter Master of the Troop in the county of New London, and order that he be commissioned accordingly.

Additions and Fourfold Assessments to the several Lists of the Towns of the Government, sent in to this Assembly.

Additions.

	l.	*s.*	*d.*
Hartford,	114	00	0
Windsor,	814	02	0
Brandford,	261	04	9
Fairfield,	514	17	6
Durham,	73	09	6
New London,	1411	14	0
Woodbury,	24	16	0
Stratford,	256	12	6
Stanford,	373	02	10
Norwalk,	173	00	0
Wethersfield,	180	14	0
Canterbury,	20	00	0
Milford,	177	03	0
Danbury,	23	04	0
Killingsworth,	43	17	6
Lyme,	667	03	0
New Haven,	1834	05	3
Guilford,	112	06	0
Groton,	342	10	0
Farmington,	242	00	0
Lebanon,	285	08	0
Windham,	91	10	2
Midletown,	75	18	0
Stonington,	177	17	6
Haddam East,	118	06	6

Fourfold assessments.

	l.	*s.*	*d.*
Windsor,	136	00	00
Fairfield,	310	00	00
New London,	1491	16	00
Woodbury,	18	08	00
Coventry,	105	00	00
Milford,	348	12	00
Danbury,	310	08	00
Killingsworth,	432	00	00
Groton,	117	00	00
Farmington,	200	18	00
Lebanon,	70	04	00
Windham,	33	00	00
Stonington,	558	00	00
Norwich,	188	05	04

To the Hon^ble^ the General Assembly of his Majesties Colony of Connecticutt, convened at Hartford, on the second Thursday of May, A. D. 1728.

Whereas your Honours at your sessions in October last, (upon the prayer of the inhabitants living at the westwardly and south-westwardly part of the south society in Lebanon,) appointed us the subscribers, to repair to said place and view and consider the circumstances thereof, and to give our opinion whether it is for the best good of the south society in said Lebanon to be divided into two societies, and, if need be, to

state and settle a line for the dividing the said society: Upon which we take leave to signify to your Honours, that, according to your appointment, we have viewed and considered the circumstances of said society, &c. being upon the place, and [634] are of opinion that it is for the best good || of said society that the same be divided into two distinct parishes or societies; and thereupon do propose, in order to the dividing said society, that a line be drawn between the said societies at the distance of one mile and one hundred and seventy rods westward and south-westward from the broad street in the town northward and southward thrô the said south society; that is to say, the course of an imaginary right line being first found from a certain chesnut tree standing in the said street and near the south-eastward end thereof, which tree is improved by said Lebanon for a sign-post, and stands near the entrance of the lane called Culver's Lane, to a stake or post called a sign-post, with some stones about it, standing in the said street near the northward end thereof, at right angles from which imaginary line the said one mile and one hundred and seventy rods to be run off westward, at the westward end whereof the said line for dividing said societies to run northward and southward parallel to said imaginary right line thrô the said south society as aforesaid. Which is humbly submitted to your Honours consideration, by your Honours very humble servants, January 4th, 172$\frac{7}{8}$.

James Wadsworth. David Goodrich. Thomas Kimberly.

The above report of the committee accepted, and the line as stated by them established by this Assembly, and that the said society be accordingly divided into two distinct societies or parishes.

Upon the memorial of Esther Bristoll, administratrix of the estate of Sam[ll] Bristoll, late of Guilford, deceas'd, shewing that the debts due from said estate surmount the personal estate thirty-five pounds three shillings and two pence: This Assembly grants liberty and full power to the said Esther Bristoll, to sell so much of real estate of said deceas'd, by the direction of the court of probate in the district of Guilford, and execute deeds for the same, as may be sufficient to procure the said sum of thirty-five pounds three shillings and two pence.

Pursuant to the memorial of Sarah Watson, Cyprian Watson and Caleb Watson, administrators on the estate of John Watson, late of Hartford, deceas'd: It is ordered and enacted by this Assembly, that the said Sarah Watson, Cyprian Watson and Caleb Watson, administrators aforesaid, or either two of them, be hereby appointed, impowred and authorized, to

make sale of so much of the lands of the said deceas'd as will be sufficient to discharge the said debts remaining of what the personal estate will not pay, which is eighty-eight pounds seven shillings and eleven pence, and also such necessary charges as will arise thereupon; and that in such sales they shall be advised and directed by the hon^rd^ judge of the court of probates of the county of Hartford.

This Assembly do establish and confirm Mr. John Sillaman of Fairfield to be Captain of the first company or trainband in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. George Griswold of Windsor to be Captain of the company or trainband at the northwest society in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan^ll^ Pinny of Windsor to be Lieutenant of the company or trainband at the northwest society in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Phelps of Windsor to be Ensign of the company or trainband at the northwest society in the town of Windsor aforesaid, and order that he be commissioned accordingly.

[635] Upon the memorial of the Reverend Mr. William Russell of Midletown, in behalf of the heirs of Mr. Samuel Pierpont late of Lyme deceas'd, shewing to this Assembly that the said heirs, viz. such of them as are of full age and the others by their guardians, have agreed with a committee impowred by the said town of Lyme, to release and quit claim all the estate, title and interest that said heirs have in a parcel of land lying in Lyme aforesaid, which was intended to be granted to the said deceased for his settlement and a committee accordingly chosen to give said Pierpont a deed, who dyed before the same was executed; thereupon praying that some suitable persons may be appointed and fully impowred in behalf of such of said heirs as are minors, in conjunction with those of full age, to give and pass a sufficient quit claim, releasing the abovesaid parcel of land for the settlement of another minister or other uses: This Assembly do appoint, authorize and fully impower Mrs. Mary Pierpont of New Haven to make, seal and execute, a deed of quit claim as prayed for, for and in behalf of Mr. Benjamin Pierpont and Mr. Hez. Pierpont, being two of the said heirs and are minors, of what estate, right, title or interest the said Benjamin and Hezekiah have in said parcel of land and appurtenances belonging to the

same. And forasmuch as Sarah, the sister of said deceas'd, and one of said heirs, althô joyned in marriage with the Reverend Mr. Jonathan Edwards of North Hampton, hath not attained to the age of twenty-one years, and that, therefore, if said Jonathan and Sarah should sign and execute a deed of quit claim releasing their right in the premises there may arise some doubt of the validity of such deed: Whereupon this Assembly do enact and ordain, that if the said Jonathan and Sarah his wife, in conjunction with the rest of the said heirs that are of full age and the said Mrs. Mary Pierpont in behalf of the first above mentioned two minors, shall give and execute a deed as aforesaid, that such deed of quit claim shall forever remain firm and valid, notwithstanding the said Sarah hath not attained to the age of twenty-one years.

An Act against Lotteries.

Whereas, notwithstanding the proclamation issued out by the Governour and Council for preventing the mischiefs that seemed to be hastening upon the people in this government by means of many persons (too greedy of gain) exposing their goods and other things to sale by way of lotteries, some persons, unwilling to submit themselves to good order, have been so hardy as to proceed therein: Which more effectually to prevent for the future,

Be it enacted and ordained by the Governour, Council and Representatives, in General Court assembled, That whosoever shall presume to set up any lottery for the sale of goods, or to sell or vend any parcel, parcels or quantity of goods, moneys or other things whatsoever, by lottery; or by wagers on shooting,* or any other way or exercise whatsoever, shall offer to vend, put off or dispose of any goods or moneys collected or exposed to be run at such adventures; or set up notifica-
[636] tions ‖ to entice people to bring in and deposit their money for the carrying on of the designs aforesaid, and be duly convicted thereof before any of his Majesties courts proper to try the same, shall forfeit the value of the goods or moneys or other thing so exposed or proposed to be exposed to sale, the one-half thereof to him that shall prosecute the same to effect, and the other half to the county treasury where the conviction shall be had.

And further, all officers, as grandjurors and others ordered to make presentments of breaches of law, are hereby directed (when no informer appears) to make presentment of the breaches of this act.

This Assembly do establish and confirm Mr. Nathaniel Talcott of Glassenbury to be Lieutenant of the company or train-

* The record follows the original bill, which was drawn by Deputy Governor Law. *Crimes & Misdemeanors*, III. 103. The printed act reads "wagers, or shooting,"—an error which has been perpetuated.

band in the town of Glassenbury, and order that he be commissioned accordingly.

An Act in Addition to the twelfth Paragraph of the Law entituled An Act directing how Rates or Taxes granted by the General Assembly shall be assessed and gathered in, in Page 100; and for altering the Direction of the Warrant formed for the collecting Town Rates, in Page 44.

Be it enacted and ordained by the Governour, Council and Representatives, in General Court assembled, That all collectors, authorized by the laws and orders of this government for the gathering and collecting any rates or taxes whatsoever, duly laid and assessed on any of the inhabitants of this Colony, or others, shall have the same power and authority to command the assistance of any person or persons in the execution of their offices (when need shall so require) as is by law given to the sheriffs and constables in the execution of their offices. And all persons are hereby required to yield obedience thereunto, and imediately to afford their assistance, provided the said collectors shew and read to them their warrant or authority, on the same pains and penalties as are provided in the law for inforcing obedience to the commands of the sheriffs or constables.

And it is further provided, That the justices, &c., authorized by the law to sign any warrant for the collecting any rate or tax, shall direct his warrant to the collector of such rate or tax; any law, usage or custom to the contrary notwithstanding.

Upon the memorial of John Sillaman of Fairfield, shewing to this Assembly the impotent estate and condition of Joseph Lockwood, jun^{r}, of said Fairfield, and praying this Assembly to impower some suitable person to make sale of so much of the said Lockwoods lands as will amount to the sum of thirty pounds seventeen shillings and four pence, to defray the charge that has arisen in supporting the said Lockwood: This Assembly do therefore appoint and impower Capt. Moses Dimon of said Fairfield, to sell so much of the said Lockwoods land as will amount to the abovesaid sum of thirty pounds seventeen shillings and four pence, which shall be by the said Diman [637] paid to the abovesaid Jno. Sillaman ‖ (for the answering the abovesaid expence or charge,) and to execute a good and lawful deed for the same, by and with the advice of the court of probate in said Fairfield.

Upon the petition of the town of Ashford, praying this Assembly for a further dismission from publick taxes: Resolved, that the said inhabitants shall be freed for the space of two years from all publick taxes due to the government; provided they pay a tax of one penny on the pound in the general

list of their estates, which shall be annually paid as a further addition to the salary of the Reverend Mr. James Hale, minister of said Ashford, to be gathered and collected by the constable of Ashford, as other taxes are, and paid to the Reverend Mr. Hale; and that Mr. Hale's receipt to the treasurer of the Colony shall discharge the constable appointed by the town of Ashford to collect said tax; and upon failure of said constable producing such receipt to the treasurer, he shall issue forth his writ to distrein on said constable and collect said tax for the use aforesaid; and to that end the listers of Ashford shall send the list of the rateable estate of said town to the Assembly annually, as other towns do that pay taxes to the government.

Whereas Samuel Higley, of Symsbury, and Joseph Dewey, of Hebron, have represented to this Assembly that the said Higley hath found out and obtained a curious art, by which to convert, change or transmute, common iron into good steel sufficient for any use, and that he was the very first that ever performed such an operation in America, having obtained the perfect knowledge thereof confirmed by many experiments, and hath communicated the same to the said Joseph Dewey and taken him into his company, to have the one-third part of the profits and privileges that might be obtained thereby, and joyntly with him have made further experiment and improvement with considerable cost and labour, giving hope that by good improvement it might redound to the publick benefit and advantage of this Colony; and have therefore humbly besought this Assembly to grant to them the privilege and licence for the sole practicing the said art for the term of ten years: We, being willing to give all due encouragement to works of this nature, are pleased to condescend to this their request; and do therefore by these presents grant to them, the said Samuel Higley and Joseph Dewey, our liberty and licence for the sole practicing the said art of steel making, to be and remain to the said Higley and Dewey, in such proportion as abovesaid, to them, their heirs and assigns, for and during the space of ten years next ensuing this date; strictly forbidding all persons practicing the same within this Colony, either in greater or lesser works, during the aforesaid term of ten years, without the consent and approbation of the said Samuel Higley and Joseph Dewey, their heirs, executors, administrators or assigns, under their hands and seals, as they will answer the contrary at their peril; the said Higley having power to take into their company in and of himself, his heirs, executors, or either of them, under his or their hands and seals, three partners; and the said Dewey, his heirs and executors in like

manner, to take in one partner. Provided always, that the said Higley and Dewey, or any under them, improve the art as above to any good and reasonable perfection within two years from the day of the date hereof, and so long as they shall well prosecute the same, and no longer.

[638] Forasmuch as John Denny, of Fairfield, and Samuel Cluckstone, of Norwalk, having been brought before this Assembly for their being concerned, each of them, in a lottery, after that the Honourable the Governour and Council, by a proclamation sufficiently published, had strictly forbidden the same, did thereupon acknowledge themselves guilty, and desire the favour of this Assembly, forasmuch as they had so far proceeded in said lotteries before the said proclamation came out that they could not recede therefrom, and that they had not set up any lottery since they knew of said proclamation, but fully observed the same: Upon which, it is resolved by this Assembly, that if the said Denny and Cluckstone respectively shall and do make their proper submissions before this Assembly, and to their acceptance, and also that said persons do pay the charges of their prosecution, that then said Denny and Cluckstone shall be dismissed from any further attendance at this Assembly.

Upon the memorial of the inhabitants of the town of Kellingly, shewing to this Assembly that at a town meeting lawfully warned and met the 30th of January, *anno* 172⅞, the said town of Kellingly by unanimous and mutual agreement consented and granted that the north part of the township should be set off to be formed into a separate and distinct society or precinct, said precinct to be limited and extended by the following dimensions and boundaries, viz: Beginning at a heap of stones placed for the middle exactly between a heap of stones three rods south of Mr. Blanchers barn, nigh where he now lives in said Kellingly, and an old cellar in Mr. Wilson's field in said town, and then to run from said middle bound or station west to Quinabaug River, and east from said station to the Colony line of Rhode Island and Providence Plantations; praying the confirmation and sanction of this Court thereupon, and what is needful in consequence thereof: Whereupon this Assembly ratifies and confirms the doings of said town in the premises, viz. in settling of and bounding the society abovesaid, and vest said precinct and society, so separated and formed, with all the rights, immunities and privileges as other the precincts and societies in this Colony are endowed withal; granting them liberty to imbody in church estate, and to settle and ordain an orthodox minister among them, with the approbation of the neighbouring churches.

Upon the prayer of the north society in Wallingsford: It is now ordered, that Merridan farm shall be annexed, and the same is hereby annexed to the said society; and that all the lands heretofore ordered by this Assembly to belong to said society, together with said farm, is hereby annexed to the town of Wallingford and to the county of New Haven; and that said society shall be called and known by the name of Merridan.

Upon the memorial of Mercy Stephens of Kellingsworth, praying to this Assembly to reverse a certain judgment given against her by Abram Pierson, justice of the peace, upon a presentment made by John Shether, constable, and Dan[ll] Clark, grandjuryman, of the said Killingsworth, against the said Mercy Stephens, for breach of the law that punishes those that abuse the people with false news, entituled An Act for the punishment of lying, page 68; in which judgment the said Mercy Stephens was fined ten shillings and had cost taxed against her at £0 17*s*. 2*d*.: This Assembly do now order that the said judgment be reversed, and the same is hereby reversed and made void; and the treasurer of the county of New Lon-
[639] don || is hereby directed and ordered to pay to the said Mercy, out of the county treasury of New London county, the sum of £2 4*s*. 2*d*. to restore her to that which by the said judgment she had lost.

Upon the memorial of the Niantick Indians: Resolved by this Assembly, that Capt. Stephen Prentiss of New London, and Mr. Thomas Lee of Lyme, shall be overseers, and they are hereby appointed to be overseers to the said Indians at Niantick, with full power to take care of their planting ground, and to see that the same is well fenced and secured, as well on the part of the said Indians as on the part of those English proprietors as border upon the said planting ground; that the said Indians may have the benefit of planting and gathering the fruit of their labour without being trespassed upon by their neighbours, as has been too much practiced of late; and also with full power, in behalf of the said Indians, to prosecute all such English proprietors as shall neglect or refuse to erect and maintain a sufficient fence on their part adjoining to the said Indians' land, agreeable to the law in such case provided; and to agree with the English proprietors of the east society in Lyme, to erect a pound in the most convenient place in said society, as well for the benefit of the said Indians as for the said English proprietors, and to appoint a pound keeper.

Upon the petition of the inhabitants of the town of Ashford, shewing that the committee appointed by this Court in 1719,

for the settlement of said town, did order and grant liberty to the claimers of the tract of land in said town called New Scituate, to resurvey all the lots of land taken up by the inhabitants within said tract, and that if any hundred acres or other parcel of land should be found to exceed the quantity given in to and settled by said committee, the overplus should be put out by the possessors to said claimers: but said liberty for such resurveying being not limited to any time, said claimers have neglected hitherto, and do still neglect, to measure the several lots within their claims, which is, or may be, a very great prejudice to the present possessors of the lands aforesaid: It is granted and resolved by this Assembly, that the claimers abovementioned do resurvey all the lots of land taken up by the inhabitants within said tract called New Scituate in said town of Ashford within the space of two years from the rising of this present General Assembly; and in case of further neglect or delay of the same, forever afterwards to be debarred such privilege.

Upon the memorial of John Morgan of Groton, in behalf of the Pequot Indians: This Assembly appoint Capt. Daniel Brewster of Preston to be joyned with Christopher Christophers, Esq^r, and Capt. Joshua Hempstead, they or any two of them, to enquire into the grounds of the complaint in said memorial, and make report to this Assembly in October next.

Upon the memorial of William Moffit of Killingly, shewing to this Assembly that sometime in the month of January, *anno* 1723, he purchased thirty-three acres of land of Jabez Allyn, butted and situated as of records in said Kellingley, and fully answered the consideration and payment thereof; and having so purchased said land, said William Moffit proceeded to execute a deed of conveyance of the same to his son Thomas Moffit, as his proportionable part of estate; yet said William neglecting to take a deed of conveyance of said land to himself of the said Jabez Allyn until that the death of said Jabez prevented all opportunity thereof, so that, not being lawfully vested of the premises, nothing hath passed from the said William to his son Thomas Moffit by the deed aforesaid; moving this Assembly to authorize and empower Mehetabel Allyn, relict of the said Jabez Allyn deceas'd, to sell and convey said land unto the said Thomas Moffit: Whereupon this Assembly appoints and fully impowers Mehetabell Allyn, relict of the said Jabez Allyn of Kellingly aforesaid deceas'd, said thirty-three acres of land to sell, ample and effectual deeds of con- [640] veyance thereof to execute; ‖ which said conveyance shall be valid and sufficient in law to the said Thomas Moffit

sure holding said land, to the proper use of him and his heirs forever, as the said Jabez Allyn in full life had personally made conveyance of the premises to him; to be in part of portion of his fathers estate, according to the value thereof.

This Assembly being informed of the pressing circumstances of Yale College in respect of money to support the incident charges of said school: It is thereupon resolved, that the treasurer shall deliver out of the publick treasury unto the trustees of said school the sum of fifty pounds in bills of publick credit, which sum shall be accounted as part of the yearly allowance the government makes to said college.

An Act enabling the Treasurer of this Colony to pay the School Money to the School Committees or Selectmen in each Town respectively, and for repealing two other Acts relating to School Money.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the treasurer of this Colony shall deliver the sum of forty shillings upon every thousand pound in the list of the respective towns in this Colony, and proportionably for lesser sums, out of the rate of each town, as the same shall be brought into the publick treasury by the several constables, unto the school committees, or for want of such committees to the selectmen of said towns respectively, to be by them distributed to the several parishes or societies in each town, for the benefit of their respective schools, in proportion to the lists of estates in said parishes or societies; provided the said committees or selectmen shall deliver their certificate that there hath been a school kept in each of the parishes or societies, they desire to take money for out of the treasury, in the year past, according to law.

And that, that part of the law entituled An Act for appointing schools and for the incouragement of schoolmasters, so far as it relates to the forty shillings upon every thousand pounds, and proportionably for lesser sums, in the country lists being added by the treasurer to the country rates; and also one other act in addition to the aforementioned law, made in the seventh year of the reign of the late Queen Ann, relating to the said forty shillings upon the thousand pound, shall be repealed; and the same are hereby repealed and made void.

Roger Wolcott, James Wadsworth, Esq^{rs}, having reported to this Assembly that on the 21st of May instant they, with Mr. Daniel Palmer, met with William Wanton, Benjamin Elcry, Franciss Willet and John Waterman, Esq^{rs}, commissioners from Rhode Island for running the line dividing between this Colony and the Colony of Rhode Island, and that the said

commissioners from Rhode Island shewed them a copy of his late Majesty King George the first his determining the affair of the line, and thereby it appears that the line agreed upon by the commissioners of both Colonies in the year 1703, is confirmed by the King to be and remain the divident line between the two Colonies; and that thereupon the said commissioners from this government shewed their powers from this Assembly for joyning with the commissioners from Rhode Island in running said line, and then also tendered to the said commissioners from Rhode Island to joyn with them in running said line, according to said agreement and his Majesties confirmation thereof; and in order thereunto to run and measure out the twenty miles due west from the rock lying at the outmost point of Warwick Neck, in order to find out Warwick southwest corner, according to the agreement in 1703, now [641] confirmed by the King; || and that the said commissioners from Rhode Island refused to joyn with them in measuring said twenty miles, or to admit the said commissioners from Connecticutt to do it at their own costs, (which was then tendered,) but insisted to run from a heap of stones they themselves have late made, which heap of stones lyes, as it is reported, near two mile westward of the end of the twenty miles, if fairly measured; and that upon this difference the commissioners from this government returned home, without doing any thing in running the line.

This Assembly have accepted and approved of the doings of their commissioners herein, and it is hereby approved. And the said commissioners on the part of this Colony are hereby ordered to joyn with the commissioners from Rhode Island in running said line according to said agreement and confirmation thereof, as soon as they shall be informed that the commissioners on the part of Rhode Island will go with them in that service and find out Warwick southwest corner, by measuring from the rock, as it was agreed in 1703.

And his Honour the Governour is desired to inform the Governour of Rhode Island, of the readiness of this government and their commissioners, to run and make and ascertain said line, as it was agreed in 1703, and now confirmed by his late Majesty; and also send him an exemplification of this act, and the act appointing said commissioners on our part at this present sessions.

And if the Governour of Rhode Island shall refuse or neglect, until the sessions of this Assembly in October next, to inform his Honour the Governour, or the commissioners on the part of this Colony, that they are ready to joyn with our said commissioners in running the said line, and find out War-

wick southwest corner by measuring from the rock, according to the agreement in 1703, his Honour is desired then to lay the same before this Assembly, that this Assembly may address his Majesty, that he would be pleased to order execution to be done of his judgment according to his mind.

An Act for emitting Bills of Credit for the Payment of the Publick Debts of this Colony.

Whereas there is in the treasurers hands the sum of two thousand one hundred ninety-seven pounds eighteen shillings and nine pence in good bills fit for further service, which was brought in by the rate granted October, 1726, and are lodged in the treasury for the further disposal of this Assembly:

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said treasurer shall be, and he is hereby, authorized and impowred to issue out and deliver the aforesaid sum of two thousand one hundred ninety-seven pounds eighteen shillings and nine pence, towards the payment of the debts and the necessary charges of this Colony, according to such orders as shall be given him from time to time according to law.

Upon the memorial of Robert Allyn, Joshua Bill and Wm. Swaddle, all of Groton, shewing to this Assembly that they had agreed that sundry differences and controversies, which had arisen between the said Allyn of the one part and Bill and Swaddle of the other part, relating to certain lands in Groton aforesaid, fully described and set forth in the said memorial, should be issued and determined by arbitration; and that for that end they had made choice of Mr. Peter Pratt, Mr. John Bissell and Mr. Joseph Fowler, as arbitrators, to hear, judge and determine the premises; praying this Assembly by their act to ratify and confirm what the said arbitrators should award to be done by the memorialists, or either of them, so as that the controversies aforesaid might finally and [642] effectually be determined and ended: || This Assembly doth grant the prayer of the said memorialists, and do thereupon order and enact, that the award of the said arbitrators upon the premises, according to the agreement as it is fully set forth in the said memorial, by the said arbitrators to be made, when made according to the agreement aforesaid, shall be a full, final and absolute determination and end of the controversies and differences aforesaid, and shall forever after bind the said memorialists, their heirs and assigns, each against the other, to all intents, constructions, and purposes.

Upon the petition of Capt. William Latham and Samuel Fish, jun^{r}, both of Groton, *v.* James Packer of said Groton:

The question was put in this Assembly, whether any thing should be granted thereon: Resolved in the negative. *Cost allowed respondent is* £3 3*s.* 0*d.* *Ex. granted May* 29*th*, 1728.

This Assembly grants towards the support of the Indian school at Mohegan, that the sum of fifteen pounds be paid out of the Colony treasury to Capt. John Mason, the present schoolmaster, for his incouragement in that work for this present year.

An Act in Addition to an Act entituled An Act for better regulating the Office of Sheriff and Safe Custody of Prisoners.

Whereas by an act of this Assembly made in the tenth year of his Majesties reign, entituled An Act for better regulating the office of sheriffs and safe custody of prisoners, it is enacted that no writ of execution wherein the original debt or damage exceeds the sum of ten pounds shall be served by any constable or his deputy, but by the sheriff, or such as he shall depute for that end: And whereas there may be occasion to levy execution upon the sheriffs themselves for more than the sum of ten pounds, and no person being authorized in the law to levy the same,

It is therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the constables in the several towns in this Colony shall be impowred, and they are hereby authorized and impowred, to levy execution upon the persons or estate of the several sheriffs within their respective towns as there may be occasion, for any greater sum whatsoever; any thing in the aforementioned act to the contrary thereof notwithstanding. And that when the sheriff hath any execution wherein he himself is concerned, the constable is hereby impowred to levy the same.

Upon consideration of the petition of the inhabitants of the town of Bolton, shewing to this Assembly that the Assembly, at their sessions in May, 1718, did grant that the town of Coventry should be laid out so as to extend six miles twenty-two rods north and south, and no more; and to extend so far west from Willamantick as to make the quantity of six miles square; and did appoint Messrs. John Hooker and Nath[ll] Burnham to lay out said town of Coventry accordingly; and that the said John Hooker and Nathan[ll] Burnham, in the month of April, 1720, accordingly did lay out the town of Coventry and settle the bounds thereof, and made report of their doings to this Assembly at their sessions, May, 1720, where their survey of Coventry was allowed and approved, with this proviso, that is to say, unless the proprietors of Cov-

entry should within seven months then next coming procure their town to be laid out anew, as near as may be to their grant, by Messrs. James Wadsworth and John Hall, and a surveyour by them appointed; and that the said James Wadsworth and John Hall, taking with them Mr. Thomas Kimberly, [643] surveyour, in the month of September, 1720, || did anew survey and lay out the town of Coventry, but complained of by the petitioners that they performed that service with a false measure, by which means the survey was erroneous and not according to the order of this Assembly, and to the great wrong of the inhabitants of Bolton; whereupon they now petitioned this Assembly that a more exact survey of Coventry might be made for the settlement of the bounds thereof: Hereupon it is considered and resolved by this Assembly, that there shall be another survey made of the town of Coventry, as near as may be to their grant; and this Assembly do appoint John Hall and John Hooker, Esq^{rs}, a committee to perform the said surveys, and to find out if this new survey, now ordered to be made, is nearest to the survey made by Messrs. Hooker and Burnham, or the survey made by Messrs. Wadsworth and Hall; and to make report thereof to this Assembly in October next. And it is now resolved, that if the survey made by Wadsworth and Hall be nearest this survey now ordered to be made, then the survey made by them, the said Wadsworth and Hall, shall be and remain the bounds of Coventry, and Bolton shall bear the charges thereof. But if the survey made by Hooker and Burnham be nearest this new survey, then the survey made by them, said Hooker and Burnham, shall be and remain the bounds of Coventry, and the charge thereof shall be laid on the town of Coventry.

Upon the memorial of the inhabitants north of Canterbury and south of Pomfrett old bounds, requesting to be added to Mortlake, or a committee to enquire into their circumstances relating to that aforesaid: Whereupon this Assembly doth resolve, that Timothy Pierce of Plainfield, Esq^{r}, Capt. Joseph Addams of Canterbury, and Capt. Liecster Grosvenor, or either two of them, be a committee to inquire into that matter and make return of their doings to this Assembly in October next, at the cost of the petitioners.

Upon the petition of Zebadiah Mix of Stonington, *v.* Franciss Dean in Voluntown: The question was put in this Assembly, whether the petitioner should have another tryal as prayed for: Resolved in the negative. *Cost allow'd respondents is* £1 5*s.* 6*d.*

This Assembly grant liberty unto the inhabitants of the

parish partly in Colchester and partly in Lyme, called New Salem, to imbody into church estate, with the approbation of the neighbouring churches, and to settle an orthodox minister amongst them.

Upon the memorial of Nathaniel Goodwin, Jonathan Butler, Sarah Easton, administrators on the estate of Mr. John Easton, late of Hartford deceas'd, praying this Assembly to impower them, or either two of them, to sell so much of the real estate of the said Easton as shall be sufficient to satisfy the debts yet due from said estate more than the moveables amount unto, which is sixty-nine pounds nine shillings and six pence, together with the costs and charges arising in consequence thereof: This Assembly authorize and impower the abovementioned Nathaniel Goodwin, Jonathan Butler and Sarah Easton, or either two of them, to sell so much of the lands of the aforesaid deceas'd as shall amount to the value and sum of sixty-nine pounds nine shillings and six pence, with what further is needful to defray the charges of effecting the premises; such sales and conveyances, executed by the aforesaid Goodwin, Butler and Sarah Easton, or either two of them, to be effectual in law to the purchasers sure holding such lands to them and their heirs forever; and that the money produced by such sale be improved in the payment of debts and charges aforesaid; and all to be performed under the regulation and direction of the court of probates in the county of Hartford.

[644] Upon the petition of Nathaniel Jones *v.* Moses Bull, complaining of a judgment recovered against him at the county court holden at Hartford the second Tuesday of April last past, praying liberty of another tryal of said case, &c.: Whereupon it is resolved by this Assembly, that the said Nathaniel Jones shall have another tryal of his action at the county court to be holden at Hartford, in and for said county, by adjournment, on the third Tuesday of June next; and that all the cost that have hitherto arisen or hereafter shall arise upon the suit, together with the charge of this petition, shall be allowed upon the judgment of said court. *Cost now allowed, is £7 5s. 11d.*

Upon the memorial of Esther Bristoll, administratrix of the estate of Samuel Bristoll late of Guilford deceas'd, shewing to this Assembly that one Andrew Allisson in the life time of said Samuel Bristoll did mortgage to him a tract of land in said Guilford, for security of the payment of twenty-five pounds and the interest thereof, and said Allisson tendering the money due upon said mortgage for the redemption of said

land, there is no person capable in the law to acquit and discharge said mortgage: This Assembly appoints and fully impowers the said Esther Bristoll (upon the receipt of the money due upon said mortgage for the use of the heirs of said deceas'd,) to acquit and fully discharge the said mortgage; which discharge shall be as effectual in the law, as if the same had been done by the said Sam[ll] Bristoll in the time of his life.

An Act enabling the Treasurer of this Colony to pay the School Money to the School Committees or Selectmen in each Town respectively, and for repealing two other Acts relating to the School Money.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the treasurer of this Colony shall deliver the sum of forty shillings upon every thousand pounds in the list of the respective towns in this Colony, and proportionally for lesser sums, out of the rate of each town, as the same shall be brought into the publick treasury by the several constables, unto the school committees, or for want of such committees to the selectmen of said towns respectively, to be by them distributed to the several parishes or societies in each town, for the benefit of their respective schools, in proportion to the lists of estates in said parishes or societies. *This entered before.*

Resolved by this Assembly, That the treasurer of this Colony pay out of the publick treasury unto Mr. Timothy Green the sum of eighty-five pounds one shilling and eleven pence, which, with the sum of one hundred forty-eight pounds three shillings and three pence the said Green hath already received of the Colonies money, is in full of what the Colony is indebted to the said Green to this time; and that the treasurer shall take a receipt of said Green, upon his paying to him the said eighty-five pounds one shilling and eleven pence accordingly. And it is further resolved, that the said treasurer shall give the Colony credit for the sum of one hundred forty-eight pounds three shillings and three pence received of the said Green, and make the Colony debtor for the whole of said Greens account, being two hundred thirty-three pounds five shillings and two pence paid him, that so the same may stand fair in the said treasurers accounts in the next audit.

[645] This Assembly being informed by the judges of the superiour court, that there being no limitation on writs of errour bro't for the reversing of judgments, many difficulties do and may arise: Which to prevent,

It is now resolved and enacted by the Governour, Council and

Representatives, in General Court assembled, and by the authority of the same, That for the future no writ of errour shall be bro't for the reversal of any judgment after the space of three years next after the giving of the judgment are expired; any law, usage or custom to the contrary notwithstanding.

Upon the memorial of Josiah Goodrich, Franciss West, &c. proprietors of the town of Tolland, praying to this Assembly to appoint a committee to search into sundry difficulties that have arisen among the said proprietors, relating to the settlement of the said town, and to make return thereof to this Assembly in October next: This Assembly doth grant the prayer of the said memorialist, and do thereupon appoint James Wadsworth, Nathaniel Stanly, Esq^rs, and Capt. William Wadsworth, to be a committee, or any two of them, to enquire and search into the said difficulties, and endeavour an agreement amongst the several proprietors, and enquire into the circumstances of said proprietors, and make return of their doings to the General Assembly at New Haven in October next; at the cost of the petitioners.

Whereas this Assembly is informed of the ill circumstances of our agent, Jeremiah Dummer, Esq^r, in respect of his health, and likewise of the pressing necessity of a proper representation to be made to his Majesty, in relation to the complaint made by John Winthrop, Esq^r, together with some other affairs necessary to be laid before his Majesty:

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That Jonathan Belcher, Esq^r, be desired to undertake a voyage to Great Britain, and to take upon him the agency of this Colony in concert with Jeremiah Dummer, Esq^r, or otherwise to act with full power as our sole agent, if said Dummer's circumstances render him unable to assist him, the said Jonathan Belcher, Esq^r. And that the said Jonathan Belcher, Esq^r, be impowred, and he is hereby authorized and impowred, in concert with the said Jeremiah Dummer, Esq^r, or if need be without him, in behalf of this Colony to appear before his Majesty, or before any of the courts of Westminster, or other courts in Great Britain, then and there to carry on and manage any matter or cause wherein this Colony may be concerned. And that a proper warrant of attourney be given to the said Jonathan Belcher, Esq^r, under the seal of this Colony, to be signed by the Governour and Secretary.*

* News of the success of Winthrop's appeal and the vacating of the law respecting intestate estates was received, unofficially, toward the end of May, before the rising of the Assembly. *Foreign Correspondence*, II. 128. The authenticated copy of the Order in Council came to hand about a month afterward.

Upon information given to this Assembly of the ill state that our Agent Dummer is in, in respect of his health, together with some other pressing affairs necessary to be laid before his Majesty, this Assembly have desired Jonathan Belcher, Esq^r, to take upon him the agency of this Colony: Whereupon his Honour the Governour is desired to make strict enquiry into the state of the said Dummer in relation to his health, and also respecting some other informations now bro't to this Assembly concerning Mr. Winthrop's complaint and matters depending thereon; and if, upon the whole, the Governour and Council shall think it necessary, they are desired with all speed to fit out and give proper instructions to our said Agent; [646] || and that a suitable sum of bills of credit be drawn out of the publick treasury, not exceeding twelve hundred pounds without further orders of this Assembly, thereby to enable our said Agent to perform said service.

Resolved by this Assembly, That the above sum of twelve hundred pounds shall be drawn out of the ballance of the quick stock lodged in the treasurers hands in the last audit; and the said treasurer is hereby ordered to pay the same out of the said quick stock accordingly.

Upon the memorial of Joseph Minor of Woodbury, shewing to this Assembly that whereas the General Assembly did, *in anno Dom.* 1687, grant unto Capt. John Minor, of said Woodbury, one hundred acres of land, to be taken up in the ungranted land of this Colony, and that, upon the prayer of the said Joseph Minor, this Assembly did grant liberty to survey and lay out the said one hundred acres of land north of New Milford, which accordingly was done by the surveyour of the county of Fairfield, but upon running of the north line of that town, it was included in said New Milford; and praying this Assembly to grant liberty to take the surveyour of Fairfield county and lay out the abovesaid one hundred acres of land in the western lands of this government not yet granted: This Assembly grants liberty to the said Joseph Minor, to take the surveyour of Fairfield county and survey and lay out the abovesaid one hundred acres of land, in the ungranted lands of this Colony, on the west side of Owssatunnuck River.

Whereas it hath been the practice in some of the towns in this Colony, to warn their trainings, town-meeting days, and society and proprietors meetings, on the Sabbath or Lord's day: Which evil practice to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That, for the future, all such warnings and notification, except

publications of intents or purposes of marriage, shall be deemed illegal and of none effect.

And it is hereby further enacted, That it shall be lawful for any person, and the duty of the grand-jurymen, constables and tything-men in the several towns and societies in this government, to pull down and destroy any and every written or printed notification or proclamation about secular affairs, that shall or may be fixed upon the door, or any other part, of the meeting-house, or house of God, in any of the towns or societies within this Colony on the Sabbath or Lord's day, or on fast or thanksgiving days, and not suffer such notifications or warnings to stand or abide thereon upon the Lord's day.

And every person that shall presume to set up or fix any such written notification, as abovesaid, on the Lord's day, in order to be seen and read on the Lord's day by the people, contrary to this act, being convicted thereof before any one assistant or justice of the peace, shall pay a fine of ten shillings money for every such offence to the town treasury of said town, for the use of the poor in said town.

It being represented to this Assembly that David Robinson of Durham, who by reason of his distraction was by this Assembly, May, 1723, ordered to be removed to the goal in the county of New Haven, and is now at liberty, and his rude behaviour is such that it is very much to the disquiet of some [647] of his Majesties good subjects: || Whereupon this Assembly order the said David Robinson be forthwith, or as soon as he may be taken, committed unto the common goal in the county of New Haven, there to remain until the county court in New Haven shall otherways order. And to the end he, the said Robinson, may be confined as aforesaid, the secretary is hereby required to send a precept directed to the sheriffs of the counties of New Haven and Fairfield, that they, or any of them, forthwith seize the body of the said David Robinson, and him commit unto the common goal, there to remain as aforesaid.

Whereas Jonathan Smith of Stepney in Wethersfield, being formerly appointed by this Assembly to set up a ferry across Connecticutt River at Rocky Hill in Wethersfield aforesaid, being no longer able to perform such service, moves to this Assembly for a release therefrom, and requesting that said service might be imposed upon his son, Nathan Smith, who consents also to undertake the same; further moving the fare of said ferry might be advanced: Whereupon this Assembly grants liberty and appoints Nathan Smith aforesaid in the place of said Jonathan Smith aforesaid, to set up a ferry and

continue it at the place before described. And it is resolved by this Assembly, that the fare of said ferry for the future shall be five pence money for man and horse and load, and three pence for each single person or single horse; any law, usage or custom to the contrary notwithstanding. And it is hereby further resolved, that if the said Nathan Smith, or any other person or persons whatsoever who shall for the future have and keep the said ferry, shall demand and receive any more than what is hereby allowed him or them, he or they shall suffer the like penalty as is provided by the laws of this Colony regulating ferrys, against such as take and receive more than their allowed fare.

Upon the memorial of the selectmen of the town of Symsbury, praying this Assembly to enable them to tax the inhabitants of said town according to their proportion of rateable estate, thereby to raise moneys sufficient to defray the charge of the committee appointed by the General Assembly in October last past to survey and ascertain the bounds of the township of Symsbury, said town refusing to grant a rate therefor: This Assembly impower and order the selectmen of the said town of Symsbury to assess the inhabitants of said town, according to the list of rateable estate for the currant year, imposing a tax sufficient to raise money enough to defray the costs and charges arisen on the premises, viz. to satisfy the said committee for the running the west bounds of the township of Symsbury; and that the tax so levyed as aforesaid shall be collected by either of the constables of the said town, and being so gathered true delivery thereof shall make to the selectmen aforesaid, to the use and end aforesaid, whose receipt shall discharge said constable of the sum or sums so collected as aforesaid.

The memorial of Sam[ll] Cook, John Burr, Thomas Hill, &c. continued to the sessions of this Assembly in October next, and that the petitioners notify some one of the persons mentioned in the prayer.

On the memorial of the committee for Tolland proprietors *v.* Joseph Rockwell: The question was put in the Assembly, whether the pleas in abatement were sufficient to abate the same: Resolved in the affirmative. *Cost allowed respondent is £1 00s. 6d.*

On the petition of James Poisson *v.* Isaac Demedina: The question was put in this Assembly, whether the pleas in abatement was sufficient to abate the petition: Resolved in the affirmative.

[648] This Assembly do establish and confirm Mr. Thomas

Newcomb to be Quarter-master of the Troop in the county of Windham, and order that he be commissioned accordingly.

Whereas by a multiplicity of business the sessions of this Assembly have been drawn out to a greater length than usual, and that several members may more speedily return to their respective habitations,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That this Assembly be adjourned, and that Mathew Allyn, Roger Wolcott, Nathan[ll] Stanly, Ozias Pitkin, Esq[rs], Capt. Thomas Seymor, Mr. William Pitkin, Capt. Sam[ll] Mather, Capt. Thomas Stoughton, Capt. John Chester, Mr. John Curtice, be, and they are hereby appointed, a committee, in the name and stead of this Assembly, to hear the records of this Assembly read off, when the entries are fully made by the secretary. And the records being so heard shall be signed by the secretary as perfect and compleat. And this Assembly is hereby adjourned until the Governour or Deputy Governour shall see cause to call them to meet again.

The Acts of the Assembly, as they stand recorded in the preceding pages, were read in the presence of his Honour the Governour and Mathew Allyn, Roger Wolcott, Nath[ll] Stanly, Ozias Pitkin, Esq[rs], Capt. Thomas Seymor, Mr. William Pitkin, Capt. Sam[ll] Mather, Capt. Thomas Stoughton, of the committee aforenamed, and by them ordered to be signed as perfect and compleat.

Hez. Wyllys, Secret[y].

CONNECTICUTT COLONY.

At a General Assembly, by the special order of the Hon^ble^ the Governour, holden at Hartford in his Majesties Colony of Connecticutt in New England, on the 3d day of July, in the second year of the reign of our sovereign lord George the second, of Great Britain, &c. King, annoque Dom. 1728.

Present at this Assembly,

The Hon^ble^ Joseph Talcott, Esq^r^., Governour.
The Hon^ble^ Jonathan Law, Esq^r^, Deputy Governour.

John Hamlin, Esq^r^,
Samuel Eells, Esq^r^,
Mathew Allyn, Esq^r^,
Roger Wolcott, Esq^r^,
James Wadsworth, Esq^r^,
John Hall, Esq^r^,
John Hooker, Esq^r^,
Nath^ll^ Stanly, Esq^r^,
Joseph Whiting, Esq^r^,
Ozias Pitkin, Esq^r^,
Tim^o^ Peirce, Esq^r^.

Representatives or Deputies that attended at this Assembly are as followeth, viz:

Capt. Tho. Seymor, Mr. William Pitkin, for Hartford.
Capt. Joshua Hempstead, Mr. Solomon Coitt, for New London.
Capt. John Munson, Capt. Isaac Dickerman, for New Haven.
Mr. Samuel Burr, for Fairfield.
Capt. W^m^ Preston, for Woodbury.
[649] Mr. Richard Abbey, Mr. Jabez Huntington, for Windham.
Mr. Sam^ll^ Hill, Mr. Benj^a^ Hand, for Guilford.
Mr. John Curtice, Capt. Jno. Chester, for Wethersfield.
Mr. Nath^ll^ Foot, Mr. Eph. Wells, for Colchester.
Capt. John Lyon, Mr. Gersh. Lockwood, for Greenwich.
Major Jno. Sabin, Mr. Benj^a^ Sabin, for Pomfrett.
Capt. Joseph Platt, Mr. Benj^a^ Hickcox, for Norwalk.
Capt. Henry Crane, Mr. Joseph Coe, for Durham.
Mr. Exp. Porter, Mr. Josiah Conant, for Mansfield.
Mr. Joseph Dewey, for Hebron.
Mr. John Brown, for Preston.
Capt. David Buell, for Killingsworth.
Mr. Joseph Case, Capt. Jonath. Westover, for Symsbury.
Capt. James Bebee, for Danbury.
Mr. Peter Buell, Capt. Jerem. Fitch, for Coventry.
Mr. Eph. Kingsbury, for Plainfield.
Capt. Roger Newton, Capt. Andrew Sanford, for Milford.
Capt. Thomas Wells, Mr. Charles Treat, for Glassenbury.

Capt. John Woodward, Mr. Samuel Hide, for Lebanon.
Mr. Steph. Whittlesey, for Seybrook.
Mr. Edmund Lewiss, for Stratford.
Capt. James Avery, for Groton.
Capt. Dan[ll] Brainerd, for East Haddam.
Mr. Isra. Wetmore, Mr. John Andrews, for Midletown.
Capt. Wm. Wadsworth, Mr. John Hart, for Farmington.
Mr. Franciss French, for Derby.
Mr. Benj[a] Bixbee, for Killingly.
Mr. Joseph Backus, for Norwich.
Capt. Jonathan Hoytt, Capt. Sam[ll] Hoitt, for Stanford.
Capt. John Russell, Capt. Sam[ll] Maltbe, for Branford.
Mr. Dan[ll] Palmer, Mr. Increase Billings, for Stonington.
Capt. James Brainerd, for West Haddam.
Capt. Theo. Yale, for Wallingsford.
Capt. Tho. Stoughton, for Windsor.
Capt. W[m] Hickcox, Mr. Tim[o] Hopkins, for Waterbury.
Capt. John Coult, Capt. Reignold Marvin, for Lyme.
Capt. Roger Newton, Speaker, } of the House of Repre-
Capt. John Russell, Clerk, } sentatives.

The Hon[ble] the Governour communicating to this Assembly a letter from Jeremiah Dummer, Esq[r], agent for this Colony, wherein he has informed that it is uncertain whether Mr. Winthrop will prosecute his complaint against this Colony; and also understanding that our agent has recovered his health: This Assembly do decline the sending another agent at present to his assistance in the affairs of this government, and do desire the Hon[ble] the Governour to signify to Mr. Jonathan Belcher the above resolve, and that his Honour, in behalf of the government, return a letter of thanks for his readiness to serve the government.

Whereas this Assembly is informed that in a tryal before his Majesty in Council, between John Winthrop, Esq[r], and Thomas Leachmere, Esq[r], in which this government was not a party, or ever heard, John Winthrop, Esq[r], obtained a sentence that one law of this Colony, entituled An Act for set-
[650] tlement of intestate estates, is null and void:* || This

* The law, which was now declared null and void by the King in Council, was passed in October, 1699, (Vol. IV. 307,) and may be found in the revision of 1702, p. 60, and the re-printed laws of 1715, p. 61. It was taken from an act passed in Massachusetts in 1692. (*Acts & Resolves of the Province of Massachusetts Bay*, Vol. I. 44.) As the charter of that province provided that all laws passed by the general assembly should be sent to England for the royal approbation or disallowance, and that, if not disallowed within three years after presentation to the privy council, they should be of force until repealed by the general assembly, and as the Massachusetts law had been confirmed in 1695 by the lords justices, Connecticut had good reason to expect a different result in this case. It is intimated that Mr. Lechmere's defence was feeble, through want of money or its application, (*Miscellaneous*, H. *doc.* 313.) In 1737, on an appeal from the courts of Massachusetts to the privy council, in the case of Phillips *v.* Sav-

Assembly considering the necessity of that law to the inhabitants of this Colony:

It is now resolved, That the agent be directed and instructed, in the best manner, to apply himself in behalf of this corporation, to his Majesty King George the second, praying his royal favour, that the said law may be continued in its full force, and that intestate estates may be accordingly divided; especially since by the obtaining that favour peace will be continued, a multitude of lawsuits prevented, and the Colony still more and more settled.

This Assembly do appoint his Hon^r^ the Deputy Governour, Roger Wolcott, James Wadsworth, Esq^rs^, and Mr. Secretary Wyllys, to assist his Honour the Governour in searching the records and files of the court, and take out copies of all such acts and records as they shall think necessary to send to the agent, and draw up and send them to him, together with such instructions as they shall think proper, both respecting our defence against Mr. Winthrop's complaints laid against this government, and also to enable him to procure his Majesties royal favour, that the law of this Colony respecting intestate estates may be continued in its full force; and that no delay may be made in preparing and sending of them to our agent.

This Assembly grants to Mr. Agent Dummer one hundred and fifty pounds sterling, to be improved in the most advantageous manner for the benefit of this Colony under their present difficulties with respect of our law; and that the Hon^ble^ the Governour, and the rest of the committee appointed by this Assembly to draw up his instructions, &c., are hereby authorized to draw out of the Colony treasury so much of our money as will procure the said hundred and fifty pounds sterling, and to transmit the same to our said agent.

The Acts of this Assembly, recorded in the preceding pages, were read in the presence of this Assembly, and ordered to be signed by the Secretary as perfect and compleat.

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age, where the appellant made a claim similar to that made by Winthrop *v.* Lechmere, the appeal was dismissed, and the Massachusetts law sustained. (*Proceedings Massachusetts Historical Society*, 1860–62, pp. 64–80, 165–171.) However, notwithstanding constant endeavors, it was not until 1742, in the case of Clark *v.* Tousey before the privy council, that our law was re-established.

The Order in Council in the case of Winthrop *v.* Lechmere will be found in the Appendix.

[651] *CONNECTICUTT COLONY.*

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN ON THE 10TH DAY OF OCTOBER, IN THE SECOND YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE SECOND, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM. 1728.*

Present at this Assembly,

The Hon^ble Joseph Talcott, Esq^r, Governour.
The Hon^ble Jonathan Law, Esq^r, Deputy Governour.

John Hamlin, Samuel Eells, Mathew Allyn, Roger Wolcott, James Wadsworth, John Hall, Esq^rs, Christop. Christophers, John Hooker, Nathaniel Stanly, Joseph Whiting, Timothy Pierce, Esq^rs, *Assistants.*

Representatives or Deputies that were returned to attend at this Assembly, are as followeth, viz:

Mr. W^m Pitkin, for Hartford.
Mr. Solomon Coitt, Mr. Steph. Prentts, for New London.
Capt. John Fitch, Mr. Rich^d Abbey, for Windham.
Capt. John Russell, Capt. Sam^ll Maltbey, for Branford.
Capt. Joseph Platt, Mr. Sam^ll Cumstock, for Norwalk.
Capt. W^m Harriss, Mr. John Andrews, for Midletown.
Capt. David Buell, Mr. John Lane, for Killingsworth.
Capt. W^m Wadsworth, Mr. John Hart, for Farmington.
Mr. Tho. Kimberly, for Glassenbury.
Mr. Sam^ll Hill, Mr. Benj^a Hand, for Guilford.
Capt. James Reignolds, Capt. John Lyon, for Greenwich.
Mr. Edmund Lewiss. Mr. John Thompson, for Stratford.
Capt. John Munson, Capt. Isaac Dickerman, for New Haven.
Major John Burr, Mr. Sam^ll Burr, for Fairfield.
Capt. James Avery, Capt. Jonath. Starr, for Groton.
Mr. Joseph Levins, Mr. Sampson How, for Kellingley.
Mr. John Curtice, Capt. John Chester, for Wethersfield.
Capt. Thomas Gates, for East Haddam.
Mr. Rich^d Ely, Mr. Stephen Lee, for Lyme.
Mr. Nath^ll Foot, Mr. Israell Newton, for Colchester.
Mr. Joseph Dewey, Mr. Benj^a Skinner, for Hebron.
Capt. James Brainerd, for West Haddam.
Capt. Theophilus Yale, for Wallingsford.
Capt. Jabez Hide, Capt. Jabez Perkins, for Norwich.

* The Journal of the Lower House is not found.

Capt. Joseph Addams, Mr. John Felch, for Canterbury.
[652] Major John Sabin, Mr. Benj[a] Sabin, for Pomfrett.
Mr. John Gregory, Capt. James Bebee, for Danbury.
Capt. Henry Crane, Mr. Nath[ll] Suttliff, for Durham.
Capt. Ephraim Minor, Mr. John Noyes, for Stonington.
Capt. Jonath. Hoitt, Mr. Jonath. Bates, for Stanford.
Mr. Joseph Case, Mr. John Higley, for Symsbury.
Capt. Dan[ll] Brewster, Mr. John Brown, for Preston.
Capt. John Riggs, Mr. Francis French, for Derby.
Capt. Tho. Stoughton, Capt. Thomas More, for Windsor.
Mr. Peter Buell, Capt. Jerem. Fitch, for Coventry.
Capt. Joseph Minor, Mr. Andrew Hinman, for Woodbury.
Capt. John Woodward, Mr. Joseph Fowler, for Lebanon.
Capt. Roger Newton, Capt. Andrew Sanford, for Milford.
Mr. John Crery, Mr. Joseph Williams, for Plainfield.
Mr. Sam[ll] Lynd, Mr. Steph. Whittlesey, for Seybrook.
Mr. Thomas Clark, for Waterbury.

Mr. Thomas Kimberly, Speaker, } of the House of Repre-
Capt. John Russell, Clerk, } sentatives.

This Assembly do establish and confirm Mr. Caleb Cone of Haddam to be Captain of the company or trainband at Haddam West, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Southmaid of Midletown to be Captain of the town company or trainband in the town of Midletown aforesaid, and order he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Warner of Midletown to be Lieutenant of the town company or trainband in the town of Midletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jabez Hamlin of Midletown to be Ensign of the town company or trainband in the town of Midletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Hall of Midletown to be Captain of the South Farms company or trainband in the town of Midletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. George Hubbard of Midletown to be Lieutenant of the South Farms company or trainband in the town of Midletown aforesaid, and order that he be commissioned accordingly.

[653 This Assembly do establish and confirm Mr. Eben[z] Eagleston of Midletown to be Ensign of the South Farms

company or trainband in the town of Midletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Cornwall of Midletown to be Captain of the Westfield company or trainband in the town of Midletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Bacon of Midletown to be Lieutenant of the Westfield company or trainband in the town of Midletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Warner of Midletown to be Ensign of the Westfield company or trainband in the town of Midletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Starlin of Lyme to be Captain of the north company or trainband in the town of Lyme aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Ely of Lyme to be Lieutenant of the north company or trainband in the town of Lyme aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Ely of Lyme to be Ensign of the north company or trainband in the town of Lyme aforesaid, and order that he be commissioned accordingly.

An Act for levying a Tax on Polls, &c.

This Assembly grants a rate of two pence on the pound on all the polls and rateable estate in this government; to be paid into the treasury in the bills of credit of this Colony with the usual advance of twelve pence on the pound, or in the good bills of credit of four signers of the Massachusetts Bay, or in the bills of credit of New York, without advance on them, or in silver money as it passeth in the country.

An Act for reviving and further continuing the Law entituled An Act for Restraining the Liberty of Appeals and Reviews in some Cases, and in Addition to the Law in further providing for Small Causes.

[654] Whereas the law entituled An Act || for restraining the liberty of appeals and reviews in some cases, and in addition to the law entituled An Act for further providing for small causes, which was made and passed by this Assembly, holden at New Haven the 14th of October, in the twelfth year of his late Majesty King George the first, *anno Domini* 1725, was made with that proviso, that it should continue and be of force for three years, and no longer: And forasmuch as, upon

tryal, the said law is found to be of general benefit to his Majesties subjects in this government: Therefore,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforesaid act be revived and the same is hereby revived, and shall remain in full force in all the parts and paragraphs thereof, until this Court shall order otherwise.

This may certify all whom it may concern, that we, John Hall and John Hooker, on the 2d, 3d and 4th days of October, *anno Dom.* 1728, taking to our assistance John Chandler, jun^{r}, surveyour of lands in the Massachusetts Province, and chainmen, being all under oath, in pursuance, and by the order and appointment of the General Assembly of the Colony of Connecticutt, holden at Hartford May 9th, *anno Dom.* 1728, and in company with Joseph Strong, Peter Buell, Nathan^{ll} Rust, and divers others of Coventry, and Timothy Olcott, and Mr. Brown, of Bolton, and Franciss West for Tolland, a new survey and lay out the town of Coventry aforesaid. And to that end we went to the south bounds of said Coventry, and began at the south east corner and measured north six miles and twenty-two rods, and our said measure ended southward or short of the survey last made, viz. that of Wadsworths and Halls, about ten rods. And then we began at Willamantick River, and ran a west line by the needle, until we had made the contents of six miles square, which fell short or east of Wadsworths and Halls line about twenty-four rods. But at both north and west it came much nearer to the said Wadsworth and Hall survey than it did to the first survey, viz^{t}. that of Hooker and Burnham.

John Hall, John Hooker, *Committee.*

The above report accepted by this Assembly, and ordered that it shall be recorded.

Ordered and enacted by this Court, That the brand for horses for the inhabitants living at Weataug on House of Tunnack River, in this Colony, shall be this figure, +. And the said inhabitants shall have full power to choose a brander, who shall have full power to brand and record horses, as by law provided for towns; and the choice of said brander shall be made by a subscription of the names of the greatest part of said inhabitants, and be returned to the town clerk of New Milford to be recorded; and that the said brander so chosen shall be sworn as the law directs.

[655] This Assembly appoint Christopher Christophers, Esq^{r}, to prepare a new alphabet to the Colony law book, and that it be printed with the acts of this Assembly, and that

there be the like number printed as shall be printed of the copies of the acts of this present sessions.

Upon the memorial of the town of Symsbury: Resolved by this Assembly, that Mathew Allyn, Esq^r^, John Hooker, Esq^r^, Dea. John Hart of Farmington, Mr. James Ensign of Hartford, and Mr. Joseph Barnard of Windsor, be a committee fully impowred by this Assembly to repair unto the town of said Symsbury, where, upon hearing the pleas and allegations of parties inhabitants of said town, and upon view and consideration of the circumstances of the said town, finally to determine thereupon, either that said town shall be divided into two or more societies, or that said town shall continue undivided and united in one as heretofore they have been; and to appoint and fix the place or places in which the meeting house or meeting houses shall be erected in said town. And in case said town shall be by said committee divided into distinct societies, that then they shall determine and describe the line of partition between said societies. And (in case said committee shall judge it needful) they themselves shall assess the inhabitants of said town, according to the list of their rateable estate for this currant year, and from year to year annually, thereby to raise monies in such quantity and manner as said committee shall judge sufficient and expedient, to defray the whole of the charges that shall arise on the premises; and fully determine and transact in and about the whole of the premises as shall by them be judged most effectual for the accomplishment of the whole of the matters submitted unto them; and to make return of such their doings to the Secretary of the Colony, there to be recorded in the Colony records; which settlement of said committee, made in manner abovesaid, shall be finally decisive and concluding to said town, and an utter end of controversy in and about the matters above mentioned. The said affair to be managed and determined by the abovementioned committee, or the major part of them, and at the charge of the said town of Symsbury.

Upon consideration of the prayer of Daniel Porter of Waterbury and Hez. Porter of Woodbury, grandsons to Daniel Porter formerly of Farmington deceas'd: This Assembly grants liberty to the heirs or assigns of the abovenamed Daniel Porter, sen^r^, to survey and lay out the one hundred acres of land to him granted by this Assembly, at their sessions October 14th, 1669, in the lands of this Colony lying west of Stratford River, otherwise called Owsatunnuck River; provided it infringe not any former grant of this Assembly; to be surveyed by Mr. Edmund Lewiss of Stratford, and by him to be returned for record.

[656] This Assembly do establish and confirm Mr. Robert Denisson, jun^r^, of New London, to be Ensign of the company or trainband at the north parish in the town of New London aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Witter of Preston to be Ensign of the south company or trainband in the town of Preston aforesaid, and order that he be commissioned accordingly.

Resolved by this Assembly, That Timothy Pierce, Esq^r^, and Capt. Joseph Addams be a committee to enquire into the circumstances of those lands which by the late settlement of the Colony line fall within the Colony of Rhode Island, and also what remains within this Colony for which this government by a former committee had given quit claims to sundry persons inhabitants of Voluntown, who have petitioned this Assembly for some relief in consideration of their said lands being taken from them by the said settlement; and that they the said committee make report thereof to this Assembly at their sessions in May next; provided the persons petitioning as aforesaid will be at the cost thereof.

Ordered by this Assembly, That a message be sent to the Treasurer of this Colony, directing him to give his attendance at this Assembly as early as he can the next week; and that he bring with him such bills of credit as he hath in the treasury that are fit to be emitted, to defray the necessary charge of the government.

The Gentlemen nominated to stand for Election in May next, sent in to this Assembly by the Freemen of this Colony, are as followeth, viz.

The Hon^ble^ Joseph Talcott, Esq^r^, the Hon^ble^ Jonathan Law, Esq^r^, John Hamlin, Esq^r^, Samuel Eells, Esq^r^, Mathew Allyn, Esq^r^, Roger Wolcott, Esq^r^, James Wadsworth, Esq^r^, John Hall, Esq^r^, Christopher Christophers, Esq^r^, John Hooker, Esq^r^, Nathaniel Stanly, Esq^r^, Joseph Whiting, Esq^r^, Ozias Pitkin, Esq^r^, Timothy Pierce, Esq^r^, Capt. Sam^ll^ Mather, Major John Burr, Mr. Edmund Lewiss, Capt. James Rogers, Capt. Thomas Seymor, Mr. Thomas Kimberly.

This Assembly do establish and confirm Mr. Jared Spencer of Seybrook to be Captain of the company or trainband at the west society in the town of Seybrook aforesaid, and order that he be commissioned accordingly.

[657] This Assembly do establish and confirm Mr. Jonathan Allyn of New Haven to be Captain of the first company or trainband in the town of New Haven aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Mixx of New Haven to be Lieutenant of the first company or train-band in the town of New Haven aforesaid, and order that he be commissioned accordingly.

An Act for reviving and further continuing one certain Law of this Colony, entituled An Act for the more effectual Detecting and Punishing Trespass, made in the thirteenth Year of the Reign of his late Majesty George the first.

Whereas the abovementioned law was to continue and be of force for two years, and until the end of the next sessions of the General Assembly after said two years was expired, and no longer; which time is now very near expired; and the said law having been found for the benefit of his Majesties subjects in this Colony, in general,

It is therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the aforesaid law shall be revived, and the same is hereby revived, and shall remain in full force in all the parts and paragraphs thereof, until this Court shall order otherwise.

The Lists sent in to this Assembly from the several Towns of this Government.

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Hartford,	27113	17	0	Windsor,	22394	00	0
Windham,	11725	8	6	Seybrook,	13065	00	3
Stanford,	17639	5	0	Preston,	10436	01	0
Stonington,	16616	1	10	Groton,	12438	14	0
Norwalk,	18263	10	4	Lyme,	13064	10	0
Guilford,	20790	12	8	Wethersfield,	20077	14	3
Glassenbury,	7192	8	6	Midletown,	20091	03	0
Killingsworth,	7853	15	8	Plainfield,	6676	11	7
Durham,	6955	3	9	Lebanon,	14332	17	9
Symsbury,	8792	1	0	Fairfield,	26913	8	9
Kellingly,	6524	0	0	Danbury,	8544	00	0
Haddam East,	9186	8	0	Ashford,	4138	10	0
Hebron,	6315	6	0	Norwich,	23857	4	6
Colchester,	11832	14	0	Farmington,	17333	16	0
New Milford,	3593	5	6	Waterbury,	4534	18	0
Woodbury,	8341	3	0	Coventry,	5337	8	0
Canterbury,	5515	10	3	Greenwich,	12249	16	0
Pomfrett,	6860	10	0	Milford,	22689	13	2
Wallingsford,	20192	00	0	Derby,	4120	8	0
Mansfield,	5476	18	0	New London,	15166	5	6
Branford,	13528	13	11	Stratford,	24114	8	2
Haddam West,	5624	00	0	New Haven,	34017	2	4½

[658] On the petition of Joseph Williams and Timothy Pierce, jun^{r}, who have erected a bridge over Quinnabaug

River, between the towns of Plainfield and Canterbury, praying for some consideration and recompence to be granted them by this Assembly: Ordered, that said bridge be kept as a toll-bridge by the petitioners during the term of ten years next insuing, and no longer; and that the fare or toll thereof be as follows, viz: For man, horse and load, four pence one time; single man, two pence; each horse and all neat cattle, two pence per head; and for all sheep and swine, two shillings per score; so *pro rato* for greater or lesser numbers. Always provided, that those persons who have contributed towards the building of said bridge be exempted from paying toll thereunto until every such person or persons be reimburst such sums, by going toll free over said bridge, as he or they have respectively advanced towards building of the same.

Upon the petition of John Rogers of New London, &c., *v.* Samuel Fox of said New London, &c.: The question was put, whether the pleas offered in abatement of said petition are sufficient: Resolved by this Assembly in the affirmative. Cost allowed the said Sam[ll] Fox against the said John Rogers is £4 17*s.* 10*d.* *Ex. granted October* 22*d*, 1728.

An Act for the more effectual keeping open Ditches and Dreins that have been made, or shall hereafter be made, by Commissioners of Sewers.

Forasmuch as the ditches and dreins that are made by commissioners of sewers, are apt to grow out of repair and fill up, and there is no provision made in the law for the proprietors of the dreined ground to appoint persons among themselves for the clearing and repairing such ditches, and keeping them in repair,

Be it enacted, and it is hereby enacted and resolved, That the proprietors of such wet or dreined lands, as have been* ditcht or dreined by commissioners of sewers, may meet and assemble themselves as there shall from time to time be occasion, to make orders for the effectual keeping open such dreins as have been made and ordered to be made by the commissioners of sewers.

And at every proprietors meeting, lawfully warned, as in this act is hereafter provided, it shall be lawful for them by their major votes, to be computed according to their interest in such wet or dreined lands, to choose a clerk, who shall be sworn to make true entries of all such votes as are passed in such meetings, and also of the returns or report of the proprietors committee, of their proportioning out and stating to each proprietor his part of such dreins and sewers.

* The words, "or shall hereafter have been," in the original bill, *Industry*, I. 37, are omitted from the record. The printed act supplies the words, "or shall hereafter be." The act was passed upon the petition of sundry proprietors in East Windsor.

And the proprietors, at any such lawful meeting, are hereby impowred to choose two or three men a committee, to set out and state to each proprietor his part or proportion of such ditch or ditches, to be computed and done according to his interest in such wet lands. And the committee are to make their return of their doings therein unto the clerk, in writing under their hands, who shall enter the same upon record, that it may be known. And each proprietor, his heirs and assigns, shall forever after sufficiently clear and keep open his part [659] ‖ of such ditches and dreins, stated to him as aforesaid. Always provided, the proprietors may, at any time afterwards, cause a new stating of the same, at their lawful meetings, as they shall see occasion.

And it's further enacted, That the proprietors, at their lawful meeting, shall be, and are hereby impowred to choose two or more persons among themselves, to be scavengers, for the clearing up and keeping in repair such dreins and sewers; and the scavengers so chosen shall take the oath provided for fence-viewers, *mutatis mutandis*. And the scavengers shall from time to time diligently inspect the dreins and sewers, that they are kept open and in good repair; and if at any time they find them, or any part of them, out of repair, they shall forthwith give warning thereof unto such proprietors whose part is deficient, that they forthwith repair and amend the same; and if any proprietor shall not, within five days next after such warning given, clear and repair the same sufficiently, to the judgment of the scavengers, the scavengers are hereby appointed to cause the same to be sufficiently repaired, and the person or persons to whom it belongs shall pay double costs to the scavengers for repairing the same; and in case of refusal or neglect of payment thereof for the space of ten days after an account thereof presented and a demand thereof made, such costs and charges shall be levyed by distress and sale of the offenders goods, by warrant from any assistant or justice of the peace, and for want of goods or personal estate, the officer shall deliver to the scavengers so much of the lands of the person deficient, as will answer the same, with additional cost, by a reasonable extent.

Always provided, If any proprietor thinks himself aggrieved at the account of the scavengers, he may, at his own cost, within ten days after such account shewed him, make application to the selectmen of the town where the land lyeth, who being no ways parties to the controversie, shall anew apprize the cost of such repairing; and the party deficient shall pay double cost, according to their apprizement, to be recovered as aforesaid.

And, for the more regular assembling a proprietors meeting, it is enacted, That when and so often as three proprietors of such wet lands judge a proprietors meeting wanting, they may apply themselves to the next assistant or justice of the peace, who upon such application is hereby impowred to issue forth his precept to some meet person, for to warn a proprietors meeting, declaring the time, place and business of such meeting; and the person to whom such precept is delivered, giving warning to all the proprietors of such wet lands that live in the town where the land lyeth, by reading the precept to them or leaving an attested copy thereof at the place of their usual aboad, at least three days before such meeting, shall be a lawful warning thereof.

And be it further enacted, That if any person or persons, without liberty of the proprietors first had and obtained, shall set any fence, hedge or other incumbrance, on the bank of such drein or dreins, to the annoyance and incumbrance of it, or to make the clearing up and keeping the same in good repair more difficult, it shall be lawful for the scavengers to remove the same as a common nuisance.

Upon the petition of James Poisson of Hartford, *v.* Isaac Demedina of New York, praying for another chancery of a four thousand pound bond found to be forfeited by the said Poisson, by the jury at the superiour court at Hartford, March 14th, $172\frac{5}{6}$, and at an adjourned superiour court at Hartford aforesaid in May then next chancered to £162 15*s.* 4*d.*: Upon consideration whereof, this Assembly grant the petitioner liberty of one tryal more of said case upon the chancery of said bond, at the superiour court at said Hartford in March next, he then paying the past and present costs.

[660] Whereas it is represented to this Assembly, that there is a considerable neglect in improving the money raised by the tax granted by this Assembly on the lands in Voluntown, May, A. D. 1721; and also the building a meeting-house in said town is laid aside, or not prosecuted according to the expectation of this Assembly: therefore this Assembly did in May, 1727, authorize and impower Capt. Joseph Addams, Capt. Jabez Perkins, and Mr. Richard Abbey, to be a committee and to order that affair, as by said act appeareth: And whereas it is questioned, whether the authority given to the said committee is so large and full as the circumstances of the case requireth: This Assembly doth therefore, in addition unto the power and authority before given to them, hereby authorize and fully impower them, the said Joseph Addams, Jabez Perkins and Richard Abbey, or any two of them, to ask, demand, sue for, levy, recover by action of account or otherwise,

and receive, all and every part of the tax aforesaid, in whose hands soever it shall be found, or by whomsoever it hath been imbezzled, or have caused to be imbezzled; and to improve all the said money for the good ends proposed in said act of this Assembly, May, 1721.

Upon the petition of Jeremiah Calkins of Lebanon *v.* Joseph Trumball, jun^{r}, of said Lebanon: The question was put in this Assembly, whether the errour assigned in the petition be found: Resolved in the negative. *Cost allowed respondent is £4 1s. 4d.*

Upon the petition of Samuel Purdy, Sam^{ll} Lane, and the rest of the proprietors of the town of Rye, *v.* Ebenezar Mead and the rest of the proprietors of the town of Greenwich: The question was put in this Assembly, whether the pleas offered in bar of said petition are sufficient: Resolved in the affirmative.

Upon the petition of John Williams, John Sage, and the rest of the proprietors inhabitants of the town of Midletown, *v.* Franciss Whitmore of said Midletown: The question was put in this Assembly, whether in the judgment complained, there be manifest errour: Resolved in the negative. *Cost allowed respondent is £0 18s. 6d.*

To the Hon^{ble} the General Assembly of his Majesties Colony of Connecticutt, to be holden at New Haven, October, second Thursday, A. D. 1728,

Whereas your Honours, in May last, appointed us the subscribers, to be a committee to view the circumstances of the inhabitants living on the western side of Colchester and lands adjoyning, respecting the forming a new society for the carrying on the worship of God there, having accordingly this 25th day of June, 1728, viewed the circumstances of said inhabitants, &c., and having heard the allegations of Messrs. Wells, Foot and Newton, on behalf of Colchester, Capt. Gates, Capt. Olmstead and others of Haddam, for that town, Messrs. Dunham, Gates and others for said western side, but no persons appointed for Midletown, althô we were informed that the selectmen of that town were notifyed of this meeting; and we find the list of Colchester, exclusive of Paugwonk society, is £9218 16*s.* 0*d.*, and that to run a line from Fawn Brook, where the road from Colchester to Glassenbury crosseth the [661] said brook, west ‖ to Midletown bounds, including all John Addams' farm there; and from the said place where said road crosseth said brook, to run eastward along said road till it comes to Eben^{z} Day's easterly or northeasterly corner, viz. of the farm on which he dwells; and thence running south-

erly, leaving to the old parish James Roberts, Joseph Dayly, Eben^{z} Northam, John Northam and Thomas Day, jun^{r}, their farms on which they now dwell; and thence running on such course as to take into the new society William Waterhouse his farm on which he dwells; and thence running such a line as will also take in the lot belonging to the heirs of Mr. John Eliott deceased; and thence running so as to take in also Serj^{t} John Day's lot on which his son John dwells; and then along westward, on the southerly side said Day's lot, till it comes to the highway that leads southward, and so along said highway to the southeasterly corner of Mr. Benjamin Lewiss' farm, on which he dwells; and from the corner last mentioned, on a south line down to the north bounds of East Haddam, leaving out the lot that William Williams lives on; bounding also said new society south on said East Haddam bounds, and west on Midletown bounds,—does contain as great part of Colchester as can be well spared from the old parish. We also find the sum total of the list of estates in the above described and bounded part of Colchester to be £1910 6*s*. 0*d*., which leaves the said old parish but £7318 10*s*. 0*d*. And upon the whole, we are of the opinion, that it will be very hard for so small a number of people, under such circumstances, to support the ministry among them: yet considering that they have one Mr. Lewiss amongst them, who preacheth there and is highly esteemed of by them, and doth, as we are informed, encline to settle with said people, and they are providing for him, and probably his settlement will be easily gained, wherefore dare not discourage their proceeding, but propose whether it may not be best that the above described part of Colchester, with a part of the towns of Midletown and East Haddam being joyned to it and together be formed into one society, and that the part of Midletown be that tier of lots, or so many of said lots as butt upon Colchester bounds east between said Haddam bounds and Salmon river, which lots lye in length one mile east and west, viz. so much out of Midletown; and the part to be taken out of said Haddam to lye within the following lines, viz. beginning at Colchester southwest corner next said Haddam and Midletown, and thence running southward to the mouth of the brook called Fall brook, where it empties itself into the river called Modus river; and thence running such a course eastward as to leave out the dwelling houses and farms they stand on that belong to Samuel Emmons, jun^{r}, and Jonathan Emmons, and continue that course till it comes to Pine Swamp brook; and thence northward along by the said brook till it comes to said Haddam north bounds, bounding north on said Colchester,—we being of opinion that the parts thus

proposed to be taken out of said Midletown and Haddam are conveniently situated to be so annexed, and that thereupon [the] inhabitants, with the bounds so described, be formed into a distinct society accordingly; which we submit to your Honours' wise determination, and are

Your Honours very humble servants.

James Wadsworth,
Thomas Kimberly,
Samuel Lynde.

The above report of the committee accepted by this Assembly.

This Assembly do establish and confirm Mr. Joseph Smith of New Haven to be Ensign of the fourth company or train-band in the town of New Haven aforesaid, and order that he be commissioned accordingly.

[662] Upon the petition of Thomas Wright of Wethersfield against Benjamin Judd of Farmington, complaining of a false verdict given by the jury in an action of trespass bro't by the said Benjamin Judd against said Thomas Wright, which action had its final tryal and the verdict aforesaid was given by the jury in the superiour court held at Hartford in September last: This Assembly, having heard the petition and parties on the verdict aforesaid, find the same to be false, and thereupon grant unto the petitioner another tryal of his action aforesaid, in the superiour court to be holden at Hartford in March next; and order that the whole cost from the beginning shall follow the final judgment. *Cost allowed petitioner is £5 4s. 9d.*

To the Hon^ble^ the General Assembly convened at New Haven October 10th, 1728,

Whereas this Assembly, May, 1728, upon the petition of the inhabitants of Tolland, appointed we whose names are hereunto subscribed, to enquire into sundry difficulties arisen in Tolland aforesaid, and to report to this Assembly our opinion thereupon: Whereupon we now signify to your Honours, that we have attended said service at said town, and heard the pleas of the parties, and have had a farther hearing at this place from the parties concerned, and give our opinion as followeth: First, that this Assembly granted said Tolland to Mathew Allyn, Esq^r^, and others, the upper part of said town for a certain sum to be paid to the government, and the lower part, viz. that which lyeth southwards of Shennups pond, the grantees to pay to the legatees of Joshua six pounds per allotment, as particularly mentioned in the act of the Assembly on record. And forasmuch as what the Assembly required for the upper part of said town was but a small sum, and it con-

tained about half said town, and what was to be paid to the legatees as aforesaid made a much greater sum, therefore there hath arisen a question between the proprietors of said Tolland, whether the said six pounds per allotment to be paid to the legatees should be levyed equally upon all the allotments in said town as the sum paid to the government was, or whether those proprietors that had their lots in the legatees claim, viz. below Shennups pond, should pay six pounds, &c., themselves, upon which much contention hath risen among the inhabitants of said town: Thereupon we are of opinion, that the grant of said town is to be understood that said six pounds per allotment is equally to be paid by each owner of an allotment in said Tolland, including as well those that have taken their lots on the north part of said town as those on the south. And we have further taken notice of one more difficulty arisen in said town, respecting the southern part thereof, viz. a piece of land lying across said town east and west and being one hundred and five rods in breadth, which piece of land said legatees refuse to sell to the proprietors of Tolland, and say that they are not obliged thereunto by said act of Assembly granting said town, but that the same is not included in the land they, said legatees, are to sell for six pounds per allotment: Upon hearing the parties in relation to said difficulty, after consideration thereof, are of opinion said piece of land is parcel of the land that in and by said act of Assembly [663] granting said Tolland || the legatees are directed to sell to the proprietors of said town for six pounds per allotment. All which is humbly submitted by your Honours committee.

Nathan^{ll} Stanly, W^{m} Wadsworth, *Committee.*

The above report accepted, approved by this Assembly, and ordered to be recorded.

Upon the memorial of Mr. John Noyes and Capt. Ephraim Minor: It is resolved by this Assembly, that all further proceedings in the first society in Stonington, in respect to their building a meeting house or meeting houses, shall be stayed until either the parties do agree upon the place, or they have further orders about it from this Assembly; and that Christopher Christophers, Esq^{r}, Mr. Joseph Backus and Capt. Brewster, or any two of them, are appointed a committee to endeavour an accommodation of the difficulties that attend that affair, by bringing the parties to an amicable agreement upon a place to fix their meeting house: but if such an agreement cannot be obtained, then the committee are to enquire into that affair, and of the place where the meeting house may be set, the best to accommodate the whole society, and make report thereof to this Assembly in May next.

An Act for the further Direction of Sheriffs and Constables in the Execution of their Offices, and Enlarging their Fees in some Cases.

Be it enacted and ordained by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That sheriffs and constables shall receive all manner of writs, in any place and at [all] times within their counties or precincts, when and wheresoever they shall be tendered to them. And when a writ is delivered to a sheriff or constable to execute, he shall execute the same and make return thereof according to the direction therein given.

And if any man doth fear the malice, indirect dealing or negligence, of the sheriff or constable, in the execution of any writ, he may demand of the sheriff or constable to sign a receipt thereof, in which receipt the names of the parties, the sum or thing in demand, the date of the writ and of its delivery, shall be contained, without taking anything therefor, and on his refusal others that are present may set to their hands as witnesses. And if the said sheriff or constable shall not execute the writ, or neglect to make, or shall make a false or undue return, on complaint thereof made to the court or justice, (to which it was made returnable,) the court or justice may enquire thereof by the evidence produced, and if he be found in default, the court or justice may set a suitable fine upon him, and award damages to the party grieved, having respect unto the quantity and quality of the action, and the peril that might have chanced unto him by the delay which he suffered.

And it is also further provided, That for the future it shall be in the power of constables to execute any writ of execution (within his own precincts) that the sheriff may or can do.

And further it is provided, That all writs of execution shall be made returnable within sixty days, or to the next court, (in case sixty days are remaining between the date of the execution and the next court,) at the election of him that prays for it.

[664] *And it is hereby further enacted*, That every officer that levies execution shall be allowed to demand and take, for every execution for above ten pounds and not exceeding twenty pounds, six shillings; and for every execution for above twenty pounds, not exceeding forty pounds, ten shillings; and for any greater sum he shall be allowed three shillings more advanced on every twenty pounds above the sum of forty pounds, which shall be levied by the said execution.

An Act in Addition to a Law of this Colony, in page 238,* entituled An Act for the further Incouraging the Currency of Bills of Publick Credit, and for the Preventing the Oppression of Debtors.

Whereas it is provided by the last paragraph of said law, that, from and after the first day of November then next ensuing, no debtor for any debt made or contracted since the 12th of July, 1709, or that should be made or contracted before the year 1727, exprest contracts in writing, currant silver money, or some specialty, always excepted, that shall tender satisfaction and payment of his full debt in good and lawful bills of credit on this Colony, shall be liable to have execution served and levied upon his estate, or be imprisoned upon any recovery of judgment to be granted against him for such debt:

Be it further enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all the debts that have been contracted since the 12th day of July in the year 1727, or that shall be contracted at any time before the 12th day of July in the year 1735, shall be under the regulation of the law afore recited, any law, usage or custom to the contrary notwithstanding.

An Act for the further Direction of Listers in their Duty and Office.

Whereas sundry persons have farms in this Colony, remote from the towns where such persons dwell, and upon such farms have horse kind and other creatures by law rateable, under the occupancy and improvement of a tenant there, and disputes have arisen where such horse kind and other rateable creatures shall be put into the general list: And whereas sundry persons in this Colony, that summer feed their horse kind and other rateable creatures out of the limits of the town where they dwell, have refused to put such creatures into the list of their polls and rateable estate: All which to prevent,

It is hereby enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all horse kind and other creatures rateable by law, that are put upon any such farm, or under the care, occupancy or improvement of a tenant there, shall be put into the list [665] ‖ of the polls and rateable estate of such tenant in the town or peculiar where such farm lyeth; and that in all other cases all horse kind and other creatures rateable by law, shall be put into the list of the polls and rateable estate of the owners thereof, in the towns where they dwell; any law, usage or custom to the contrary notwithstanding.

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* Passed October, 1718, Vol. VI. p. 74.

An Act in Addition to an Act entituled An Act for the further Encouragement of Destroying Wolves, &c.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any person shall for the future kill and destroy any grown wolf or wolves within any town or plantation in this Colony, he shall receive, as a further encouragement over and above what is already allowed by law, for every such wolf the sum of ten shillings out of the publick treasury of this Colony, and ten shillings out of the town treasury in whose bounds such wolf shall be killed and destroyed as aforesaid, and half so much for every wolf's whelp.

This Assembly grants a tax or assessment of five shillings for every hundred acres of land in the township of Stafford, and *pro rato* for greater or lesser quantities, to be paid by the owner or owners thereof unto the minister of said town annually, on or before the first day of July, for the space of four years now next coming; the first payment to be made in July next; it being for the support of the publick worship of God in said town. The said tax to be gathered and collected by the collector or collectors to be chosen by the inhabitants of said town for that purpose. And this Assembly do appoint Mr. Josiah Goodrich and Mr. Franciss West, to enquire if such collector or collectors do annually gather and collect such tax and duly pay in the same to the minister; and if they find the collectors deficient therein, to make report thereof to this Assembly.

Whereas it was ordered by this Assembly in May last past, at Hartford, on the representation of the Reverend Mr. Chancey of Durham, that David Robinson of Durham aforesaid, a man under distraction, made an attempt against his life, for which he had been confined in close custody, did continue in the like disorder of mind and tokens of his malice against the said Mr. Chancey, to his great terrour and hazard of his life and the lives of his family, that the said Robinson should be kept in close custody in the goal of New Haven county: It is now ordered by this Assembly, that the said Robinson shall be allowed to abide in his own house at Durham and within the confines of his own farm on which the said house stands; and that the said order of this Assembly in May last, for the said Robinson's confinement in the goal aforesaid, be suspended during the said Robinson's continuing in his said own house or within his own farm; and that upon his wandering out of his said house and off from his said farm, that all officers and ministers of the law in this Colony are hereby commanded to apprehend the said Robinson in whose precincts he shall be

found, and him convey unto the goal aforesaid, according to the order of this Assembly in May last aforesaid. And the Worshipful James Wadsworth, Esq^{r}, is desired to inform the said Robinson of this order.

Upon the memorial of the inhabitants of the north society of the town of Kellingly, informing this Court that there is a [666] tract of land lying || on the west side of Quinabaug river, adjoyning said society, containing several inhabitants, &c., moving this Assembly to annex said land and inhabitants unto the society aforesaid: It is resolved by this Assembly, that the aforesaid tract of land, which is bounded east on Quinabaug river, west on the township of Woodstock, north on the line dividing between this Colony and Massachusetts Province, south on Pomfrett north line, with all the inhabitants settled, or that shall hereafter settle upon said land within the aforesaid limits, shall be joyned and annexed unto the aforesaid north society of Killingsly, and shall pay taxes and perform duties unto said society as other inhabitants living within said society are by law injoyned and directed to do.

We the subscribers, being by the Hon^{ble} General Assembly in May last appointed a committee to view the circumstances of the state of the town of Windsor, with respect to certain highways lately there laid out to the grievance of said town, and report the true state of said towns circumstances to this Assembly at their sessions in October next, pursuant to said act have viewed said highways referred to in said complaint, and are of opinion that it is necessary to have three highways laid out between Hartford bounds and Scantick bridge, and that the most convenient place for the upper highway within said bounds is near David Bissell's house, on the land belonging to David and Jonathan Bissell; provided the town of Windsor can have said land for a highway for the use and improvement of the ferry kept by said Bissell, as we are informed they may. As to the second or middle highway laid out by the jury, we are of opinion that it is well laid out as it could be at or near that place; and that the best place for the lower highway is, to run on the land of Major Roger Wolcott and Mr. W^{m} Wolcott, on the south side of Nathaniel Porter's land. All which is humbly submitted by your committee.

John Hooker,
Dated Octo. 19th, 1728. Nathan^{ll} Stanly, *and*
Thomas Seymor.

The above report approved by this Assembly, and thereupon resolved, that the town of Windsor have liberty to remove the upper and the lower highway as abovementioned, provided

they do it within six months next coming; only the charges of the former laying out of said ways shall be paid by said town.

An Act directing how Persons shall be qualified to Vote in Society Meetings.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future no person or persons shall presume to vote in any society meeting for the choice of society officers, grants of rates, erecting of meeting-houses, regulating of schools, or any other thing proper to be voted in a society, unless such person or persons have a frechold in the same society rated at [667] fifty shillings, or forty || pounds in the common list, or that are persons that are in full communion with the church; on penalty that every person so offending shall forfeit ten shillings for every such offence, one moiety thereof to the informer who prosecutes to effect, and the other moiety thereof to the treasury of the said society where the offence shall be committed.

And further it is enacted, &c. That if any person or persons shall presume to vote in any society meeting for the choice of a minister, without being qualified as the law directs to vote for the choice of a minister, he or they shall suffer the penalty as above provided, to be disposed of as aforesaid.

This Assembly being informed that the sermon preached on the election day May last, before the General Assembly, by the Reverend Mr. Thomas Buckingham, is not yet printed, by reason that a copy hath not been given: This Assembly does now request his Honour the Governour to desire the said Reverend Mr. Buckingham to give a copy of the aforesaid sermon, that it may be printed.

Upon the memorial of Jonathan Rood, authorized by the proprietors of the town of Stafford at their meeting August 16th, *anno* 1728, requesting this Assembly to grant and enact that a patent pass the seal of the Colony, ratifying and confirming unto the town of Stafford all such land that are contained within the limits of said township as described in the survey of Mr. Thomas Kimberly began and perfected on the first, second and third days of October, 1718: It is ordered, that a patent be issued out accordingly, confirming unto the proprietors of Stafford the lands as prayed for, and that said patent be sealed with the Colony seal, and signed by the Governour and Secretary.

Upon the memorial of Jonathan Rood of Stafford, requesting this Assembly to annex to the town of Stafford a certain

tract of land containing about three thousand and five hundred acres of land, which said tract of land was sold unto the inhabitants of the town of Stafford by a committee appointed in behalf of the Colony thereunto: It is ordered by this Assembly, that the tract of land above referred unto, lying eastward of the true line on the east end of Stafford aforesaid, and westward of a false line commonly now called Farrar's Line, coming to a point at the southerly end thereof, and north on the line dividing between this Colony and the Massachusetts Province, be annexed unto the town of Stafford; and that said land, and all the inhabitants thereon already settled and hereafter shall settle within the limits aforesaid, shall pay taxes and perform duties as all other the inhabitants living in the town aforesaid are by the laws of this Colony enjoyned and directed to.

Whereas there was by the General Assembly in May last a society set off of the western and southwestern side of the old or first society in Lebanon, at the distance of one mile and a half and ten rods westward from a line in the main [668] street in said society, as by the report ‖ of a committee for that end formerly appointed and the act of the Assembly in May last may appear, and the dividing line between them the said societies, as we are informed by the representatives of said Lebanon, not being yet run and certainly known: It is therefore ordered and enacted by this Assembly, that Mr. Josiah Conant, surveyour of the county of Windham, be and he is hereby appointed to run said line between the said societies according to the report of the aforesaid committee, according to the rules of surveying, and affix monuments in the said dividing line; which line so run and affixed shall be the dividing line between the said societies; providing the first society aforesaid be at the charge thereof.

Upon the report of the committee of May last, now made to this Assembly, of the affairs of the proprietors of Tolland, respecting their doubts and debates among themselves, as also respecting certain matters and things in question betwixt the said proprietors of the one part, and Mr. William Pitkin, &c., legatees of Joshua, on the other part: It is resolved and declared by this Court, that the former acts of Assembly respecting the settlement of Tolland, in reference to the claim of the said legatees, are so to be construed, and they are hereby so construed, understood and declared by this Assembly, as that the said legatees should quit their claims of all those lands, viz: from the north bounds of Coventry, that is

to say: the present establisht line, up northwards to Sheannups pond, unto the proprietors of Tolland, at the price of six pounds per allotment, or to take no benefit by the act of Assembly of May, 1715, in that case made and provided. And whereas it appears to this Assembly, that some of the said legatees have well nigh complyed with the terms and conditions of said act, and many others of them have not: Yet nevertheless, it is hereby enacted by this Court, that if Josiah Goodrich, Esq^{r}, who appears here for the proprietors of said Tolland, shall enter into a bond of five hundred pounds to the aforesaid William Pitkin, or some other bond to his acceptance, conditioned that the said proprietors shall pay or tender to the aforesaid William Pitkin, for himself and the rest of the legatees, &c., the aforesaid six pounds for each allotment, &c., including what thereof has been already paid, that then, upon the executing such bond, the said proprietors shall have a patent executed to them in usual form, for all the lands in said Tolland aforesaid.

And moreover, as to the misunderstanding of the proprietors of Tolland amongst themselves: It is declared by this Assembly, that they hold the lands of that township as one entire propriety, and that the six pounds per allotment, &c., shall be paid by all the said proprietors, who are hereby enabled and directed to levy the same as they might by law any other common tax. And further, that all the acts of that town, or proprietors thereof, heretofore made to that purpose, shall be held as good and valid in the law to all purposes, as they might or ought to have been if this declarative act had been made before the beginning of their so acting. And that [669] all those persons || there settled or claiming by order of Windsor committee, or purchase from under them, or by admission of the town or proprietors thereof, whether named or not named in the committee's general deed, &c., shall have equal interest and benefit, by force of the patent aforesaid, in all the lands of Tolland; saving only it is provided, that the farms of Col^{o} Mathew Allyn, Esq^{r}, Roger Wolcott, Joseph Whiting, Esq^{rs}, the heirs of Capt. Tim^{o} Thrall deceased, the three hundred acres sold by Lt. Jonathan Elseworth to John Huntington, and the farm belonging to the heirs of the Reverend Mr. James Pierpont deceased, all lying within the township of Tolland aforesaid, shall be exempted out of such tax; and that such of the proprietors as have already paid in whole or in part for their allotments to the legatees shall be allowed for the same out of the said tax.

Cost allowed by this Assembly unto Joseph Coats of Volun-

town against Sam[ll] Frink of Stonington, for attendance to answer the petition of said Sam[ll] Frink preferr'd to this Assembly and withdrawn, is £2 17*s.* 8*d.* *Ex. granted Octo.* 25*th*, 1728.

An Act for Enlarging the County of Fairfield.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all that tract of land called New Fairfield, lying north of Danbury, west of New Milford, and east of the government line, shall be annexed to the county of Fairfield.

This may certify all whom it doth or may concern, that we, the underwriters, on the 25th, 26th, 27th, 28th and 29th days of March, and on the 2d day of April, *anno Dom.* 1728, in pursuance and by the order and appointment of the General Assembly held at Hartford May 11th, *anno Dom.* 1727, and at New Haven Octob. 12th, *anno Dom.* 1727, did survey and lay out the west bounds of Symsbury. And for that end we, in company with sundry of the inhabitants of said Symsbury, went to the south bounds of said Symsbury next to the tôwn of Farmington, and made observation in sundry places of the course of said divident line between said townships, which we found to be west twenty minutes south, which we conclude to be the course of said line thrôout that line. Then we went to the southeast corner of said Symsbury, and proceeded to find the course and distance therefrom to said Symsbury northeasterly corner, and we found the said course to be north twenty-three degrees east, and the distance between said corners to be ten miles and eight rods. And then we proceeded to find the course of the line from said northeasterly corner to and thrô the spruce tree referred to in the act of Assembly of October, 1727, which course is to terminate the northerly bounds of said Symsbury, which course we find to be west twenty-four degrees north. And then we ran and measured on that course from the said northeasterly corner the full extent of eight miles and one hundred and twenty-eight rods, which ended at a chesnut tree markt and stones laid at the root, standing on the northerly side a small run of water, which we affix for said Symsbury northwesterly corner. And [670 then we proceeded and run, markt out ‖ and ascertained, said Symsbury's west bounds, beginning at said chesnut tree, and made a line parallel to the line from the southeast to the northeast corner, viz. south twenty-three degrees west, across said township till we came to Farmington bounds, which ended on a piece of plain land on the northeasterly side a meadow

called Phelps' Meadow; which line, thus last drawn, includes to said Symsbury the just content of ten miles square.
Thomas Kimberly, David Goodrich, Jonathan Burnham,
Committee.

The above report approved by this Assembly.

Upon the memorial of John Hubbard and Daniel Hubbard, praying for a committee to enquire into the circumstances of a certain tract of land lying partly in Wallingsford and partly in Durham, formerly granted by the General Assembly to Mr. William Lewiss: This Assembly constitute and authorize James Wadsworth, John Hall, Esq^{rs}, and Capt. John Munson, or any two of them, a committee to enquire into that affair, and to make report thereof to the General Assembly in May next,—at the charge of the memorialists.

This Assembly do establish and confirm Mr. James Tiller of Preston to be Captain of the third company or trainband in the town of Preston aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Mark Williams of Preston to be Ensign of the third company or trainband in the town of Preston aforesaid, and order that he be commissioned accordingly.

Upon the petition of Robert Winchell, living at a place called Turkey Hills near the bounds between Windsor and Symsbury, *v.* Jonathan Marsh and Jonathan Elseworth, both of said Windsor, executors to the last will and testament of John Eliott, late of said Windsor deceased, the question was put, whether there be manifest errour in the judgment complained of: Resolved by this Assembly in the negative. *Cost allowed respondents is* £2 8*s.* 9*d.* *Ex. granted December 7th*, 1728. *Alias ex. granted June 16th*, 1729.

Upon the petition of Caleb Winchell, living at the place called Turkey Hills near the bounds between Windsor and Symsbury, *v.* Jonathan Marsh and Jonathan Elseworth, both of Windsor, executors to the last will and testament of John Eliott late of said Windsor deceased, the question was put, whether the judgment complained of be erroneous: Resolved by this Assembly in the negative. *Cost allowed respondents is* £2 8*s.* 9*d.* *Ex. granted Dec. 7th*, 1728.

Resolved by this Assembly, That Samuel Eells, James Wadsworth, Christopher Christophers, Esq^{rs}, and Capt. Jonathan Starr, or any three of them, be a committee to view the Port of New London, and make report to this Assembly in May next, whether it may be best to repair the old fortification there, or erect a new battery in some more convenient place

at the entrance of that harbour, and what warlike stores ought to be provided to supply the same, and whatever else may be proper to be done in order to put that port into a better posture of defence against any invasion.

[671] This Assembly grant to his Honour the Governour two hundred and fifty pounds for his salary this currant year.

This Assembly grant to his Honour the Deputy Governour one hundred pounds for his salary this currant year.

This Assembly grant to Mr. Secretary eight pounds for his salary this currant year.

This Assembly grant to Mr. Timothy Green, the printer, twenty-five pounds for his half years salary.

Upon the petition of Joseph Seldin, Samuel Seldin and others, the inhabitants of the south part of Haddam east society and the north part of Lyme north society, *v.* Capt. Thomas Gates in behalf of Haddam east society, and Richard Ely in behalf of Lyme north society: The question was put, whether any thing should be granted on said petition at this time: Resolved by this Assembly in the negative. *Cost allowed respondents is* £2 00*s.* 7*d.*

Upon the memorial of Benjamin Bixby, Hez. Sabin and Sampson How, in behalf of the north society of the town of Killingsley: It is granted by this Assembly, that a yearly tax of ten shillings money, for each and every hundred acres of land, be levyed on all the lands lying within these bounds following, being the bounds of the aforesaid north society of the town of Killingsly, viz: North on the line dividing between the Province of the Massachusetts and this Colony; south partly on the line of partition between the aforesaid new society and old society of said Killingsly, and partly on the north bounds of Pomfrett; east on the dividing line between the Colony of Rhode Island and this Colony; west on the township of Woodstock; and so *pro rato* for greater or lesser quantities of lands situate as aforesaid. Such tax to continue for and during the term of four years next ensuing, and no longer.

And the society committee for the time being, or the major part of them, are hereby impowred with like authority as the constables and collectors for gathering town rates are by law vested withal, for gathering said tax; and when said committee shall have collected such moneys raised in manner aforesaid, they are hereby ordered and directed to improve the same towards building a meeting-house and settling an orthodox minister in said society, and to no other use. And its further ordered by this court, that all the non-resident owners of such

lands situate in the bounds of the society aforesaid, two months before such tax be exacted of them, shall be apprized of this act, by a copy thereof.

Whereas Madam Ann Winthrop of New London hath shewn to his Honour the Governour a copy of an act of the King in Council, under the privy seal, wherein his Majesty, upon the appeal and complaint of John Winthrop, Esq^r, against Thomas [672] Leachmere, Esq^r, and his wife Ann, has reversed ‖ and made void divers judgments of the superiour court given in the controversy between said parties, as also one act of this Assembly allowing the said Thomas Leachmere, as administrator on the estate of Wait Winthrop, Esq^r, deceased, to sell the lands of the said deceased for payment of the debts due from his estate; and his Majesty gave sentence that the said John Winthrop should be again put into possession of such lands as have been taken from him under colour of said act of the Assembly and sentence of the superiour court: And whereas the said Madam Ann Winthrop hath now complained that some persons, under colour of a purchase from said Leachmere, do now hold out said John Winthrop of one parcel of land; and moving to this Assembly that the said John Winthrop may be put into the possession of said lands, according to his Majesties sentence: but the said Ann Winthrop hath not certified into this Court the bounds and quantities of said lands: It is thereupon resolved by this Assembly, that as soon as the said John Winthrop, or his attourney, shall certify to the Secretary of this Colony the bounds and quantity of said land, detain'd from him under colour of purchase from Thomas Leachmere as aforesaid, the Secretary shall make out to the said John Winthrop an *habere facias possessionem*, directed to the sheriff of the county of New London, to go to the land aforesaid and to eject and put out thereof whosoever shall be found thereon, and the said John Winthrop thereof again to reseize and put into possession. *Ex. granted Jan^ry 30th*, 172⅝.

An Act for New Imprinting four thousand Pounds in Bills of Credit.

Whereas several of the bills of credit of this Colony are torn and defaced, and unfit to pass; and that they may be taken into the treasury by exchange,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith imprinted a certain number of bills of credit on this Colony, in suitable sums from ten shillings to five pounds, which in the whole shall amount to four thousand pounds and no more; which bills shall be indented and stamped as the Governour and Council shall order, and be

signed by the committee appointed for the signing the bills of credit of this Colony last emitted, they or any three of them; and of the same tenour of the bills of credit of this Colony of the like value heretofore emitted.

And its further enacted, That the said bills, so to be imprinted by this act, shall be by the said committee, or any three of them, delivered to the treasurer, who shall give them in exchange of such torn and defaced bills as are not fit for further use; taking his receipt for the same.

Resolved by this Assembly, That the Hon^ble^ the Governour be impowred, and he is hereby impowred, to draw out of the publick treasury a sufficiency of the bills of publick credit to purchase a thousand pounds sterling, to be put into the hands of our agent, to enable him to manage the affairs of this gov-
[673] ernment. ‖ And this Assembly will not be wanting from time to time, to grant such other sum or sums of money as shall be needful to be improved by our said agent in the management of said affairs.

The Hon^ble^ Jonathan Law, Esq^r^, Deputy Governour, Roger Wolcott and James Wadsworth, Esq^rs^, are desired by this Assembly to assist the Governour in drawing up instructions and letters to our agent.

Whereas this Assembly is informed that Jeremiah Dummer, Esq^r^, our Agent at the Court of Great Britain, hath for some time past been in an ill state of health and retired into the country in order to recover his health, whereby he is prevented from attending on the Court, to solicit the publick affairs of this Colony, which at this juncture requires a steady and constant application,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That Jonathan Belcher, Esq^r^,* be desired to undertake a voyage to Great Britain, and to take upon him the agency of this Colony with the said Jeremiah Dummer, Esq^r^, joyntly or severally. And that the said Jonathan Belcher, Esq^r^, be impowred, and he is hereby authorized and impowred, joyntly with the said Jeremiah Dummer, Esq^r^, or if need be by himself, on the behalf and in the name of the Governour and Company of this his Majesties Colony, to appear before his Majesty, or before any of the courts of Westminster, or other courts in Great Britain, then and there to appear, manage, transact and defend, in any matter or cause wherein this Colony may be concerned; and that a proper power of attourney

* Both Houses at first appointed the Hon. Jonathan Law, Esq., to represent this government in the court of Great Britain, as Agent. *Foreign Correspondence*, II, 140.

be given to the said Jonathan Belcher, Esq^{r}, under the seal of this Colony, to be signed by the Governour and Secretary.

On consideration had in this Assembly on the memorial of Eleazar Aspinwall: Resolved, that said memorial be referred to the Assembly in May next, and that the memorialist notify the parish of Merridan hereof.

An Act for Emitting Bills of Credit.

Whereas there remains in the Treasurer's hands of the quick stock, as may appear by the last audit, besides what was drawn out by the Assembly in July last, the sum of nine hundred and fourteen pounds six shillings and eight pence:

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Treasurer shall be impowred, and he is hereby impowred, to issue out and deliver the sum of nine hundred fourteen pounds six shillings and eight pence, together with a thousand eighty-five pounds thirteen shillings and four pence more, to be of the bills bro't into the treasury by the rate granted by this Assembly in October last, or by impost, for and towards the payment of the publick debts of this Colony and the necessary charges of the same, according to such orders as shall be given him from time to time, as the law directs.

Be it further enacted by the authority aforesaid, That there be forthwith emitted a certain number of bills of credit on this Colony, in suitable sums from ten shillings to five pounds, [674] which in the whole shall amount || to the sum of three thousand four hundred pounds and no more, of the bills of credit ordered to be imprinted pursuant to an act of this present Assembly, entituled An Act for new imprinting four thousand pounds in bills of credit; and the committee for signing the bills of this Colony are hereby directed to sign the said sum of three thousand four hundred pounds, as soon as they shall receive them, and deliver them into the hands of the Treasurer, to be by him paid out towards defraying the publick debts of this Colony, taking his receipt for the same. And the said Treasurer is hereby impowred and ordered to issue forth and emit the same towards the payment of the publick debts of this Colony and the further necessary charges thereof, attending to such orders as shall be given him from time to time, according to law.

And its further enacted by the authority aforesaid, That, as a fund and security for the repayment and drawing in said sum of three thousand four hundred pounds into the treasury, this Assembly grants a tax or rate of three thousand six hun-

dred pounds, to be levyed on polls and all the rateable estate within this Colony, and to be paid into the treasury at or before the last day of August which will be in the year of our Lord one thousand seven hundred and thirty-three; which said rate shall be paid in bills of credit of this Colony, or in money as it passes generally current in the country at the time of payment, and in no other manner.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the copies of the Reverend Mr. Elisha Williams' sermon, preached before and printed by order of this Assembly, and are now in the hands of the printer, shall be carried to Hartford in May next by the said printer, and there distributed to the respective towns in this Colony in due proportion, according to the list of estate of the respective towns sent in to this Assembly for this current year.

The Acts of this Assembly, recorded in the preceding pages, was read in the presence of this Assembly and ordered to be signed by the Secretary as perfect and compleat.

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[675] *CONNECTICUTT COLONY.*

At a General Assembly holden at Hartford in his Majesties Colony of Connecticutt in New England, on the 8th day of May, in the second year of the reign of our sovereign lord George the second, of Great Britain, &c. King, annoque Dom. 1729.

Present at this Assembly,

The Hon^ble^ Joseph Talcott, Esq^r^., Governour.
The Hon^ble^ Jonathan Law, Esq^r^, Deputy Governour.

Assistants.

John Hamlin, Esq^r^,
Samuel Eells, Esq^r^,
Mathew Allyn, Esq^r^,
Roger Wolcott, Esq^r^,
James Wadsworth, Esq^r^,
John Hall, Esq^r^,
John Hooker, Esq^r^,
Nath^ll^ Stanly, Esq^r^,
Joseph Whiting, Esq^r^,
Ozias Pitkin, Esq^r^,
Timothy Peirce, Esq^r^.

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz:

Mr. James Ensign, Mr. William Pitkin, for Hartford.
Mr. Rich^d^ Christophers, Mr. Solomon Coitt, for New London.

Mr. Richd Abbey, Mr. Jab. Huntington, for Windham.
Mr. Joseph Winter, Mr. Thomas Rose,* for Preston.
Mr. Samll Lynde, Mr. Samll Willard, for Seybrook.
Mr. Danll Lawrence, Mr. Joseph Lawrence, for Plainfield.
Mr. Tho. Kimberly, Mr. David Hubbard, for Glassenbury.
Mr. John Noyes, Mr. Theo. Baldwin, for Stonington.
Mr. Ebenz West, Capt. Eph. Sprauge, for Lebanon.
Capt. Jabez Hide, Mr. Joseph Tracy, for Norwich.
Mr. Peter Buell, Mr. Joseph Strong, for Coventry.
Capt. James Bebee, Mr. Tho. Benidict, for Danbury.
Capt. Isa Dickerman, Capt. John Munson, for New Haven.
Major John Burr, Mr. Samll Burr, for Fairfield.
Mr. Edmd Lewiss, Mr. John Thompson, for Stratford.
Capt. Thomas Storrs, Mr. Josia Conant, for Mansfield.
Mr. William Judd, Mr. Timo Hopkins, for Waterbury.
Mr. Samll Hill, Mr. Benja Hand, for Guilford.
Mr. John Bill, Mr. Danll Eldridge, for Groton.
Colo David Goodrich, Capt. John Chester, for Wethersfield.
Major John Sabin, Mr. Benja Sabin, for Pomfrett.
Mr. Jonath. Lane, Mr. John Stephens, for Killingsworth.
Mr. John Bulkley, junr, Mr. Nath. Foot, for Colchester.
Capt. Danll Brainerd, East, Capt. Ja. Brainerd, West } Haddam.
[676] Mr Izra. Wetmore, Mr. John Andruss, for Midletown.
Capt. Wm Wadsworth, Capt. Joseph Hawley, for Farmington.
Mr. Joseph Levinze, Mr. Sampson How, for Kellingly.
Capt. Samll Mather, Capt. Thomas More, for Windsor.
Mr. Joseph Dewey, Mr. Samll Palmer, for Hebron.
Capt. Jno Russell, Capt. Samll Maltby, for Branford.
Capt. Roger Newton, Mr. John Fowler, for Milford.
Mr. Samll Butt, Mr. Deliv. Brown, for Canterbury.
Capt. John Lyon, Capt. Ja. Reignolds, for Greenwich.
Capt. Henry Crane, Mr. Nathll Suttliffe, for Durham.
Capt. Samll Hoytt, Capt. Jonath. Hoytt, for Stanford.
Capt. John Riggs, Mr. Fran. French, for Derby.
Mr. Stephen Lee, Mr. Danll Ely, for Lyme.
Capt. Joseph Minor, Capt. Wm Preston, for Woodbury.
Mr. Thomas Fitch, Mr. James Lockwood, for Norwalk.
Capt. Theo. Yale, Mr. Samll Hall, for Wallingsford.
Mr. Thomas Kimberly, Speaker, Capt. John Russell, Clerk, } of the House of Repre-sentatives.

This day being appointed by charter and the laws of this Colony for the election of the publick officers of this corporation,

* Mr. Rose had given so much offence that the Lower House refused to admit him to take his seat. *Journal L. H. May 10th. Militia* I, 377, 420-426.

viz. the Governour, Deputy Governour, Assistants, Treasurer and Secretary, proclamation being made, the freemen proceeded to give in their votes to persons chosen by the Governour, Council and Representatives, to receive, sort and count them.

The persons so chosen and appointed were, Mathew Allyn, Roger Wolcott, James Wadsworth, John Hall, John Hooker, Nath^{ll} Stanly, Joseph Whiting, Timothy Pierce, Esq^{rs}, Col^{o} David Goodrich, Mr. William Pitkin, Capt. Roger Newton, Capt. Is^{a} Dickerman, Mr. Sam^{ll} Lynde, Mr. Solomon Coitt, Mr. Thomas Fitch, Mr. John Thompson, Mr. Richard Abbey, Mr. Ebenezar West, who were all sworn truly and faithfully to receive, sort and count the said votes. And the freemen's votes being bro't in, sorted and counted,

The Hon^{ble} Joseph Talcott, Esq^{r}, was chosen Governour of this Colony for the year ensuing. The Governour's oath and the oaths required by acts of Parliament, relating to trade and navigation, was administred to him in the presence of this Assembly.

The Hon^{ble} Jonathan Law, Esq^{r}, was chosen Deputy Governour of this Colony for the year ensuing. The Deputy Governour's oath was administred to him in the presence of this Assembly.

[677] John Hamlin, Esq^{r}, Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Roger Wolcott, Esq^{r}, James Wadsworth, Esq^{r}, John Hall, Esq^{r}, John Hooker, Esq^{r}, Nathaniel Stanly, Esq^{r}, Joseph Whiting, Esq^{r}, Ozias Pitkin, Esq^{r}, Timothy Peirce, Esq^{r}, John Burr, Esq^{r}, were chosen Assistants of this Colony for the year insuing.

Samuel Eells, Math. Allyn, Roger Wolcott, James Wadsworth, John Hall, John Hooker, Nathan^{ll} Stanly, Joseph Whiting, Tim^{o} Peirce and John Burr, Esq^{rs}, had the Assistants oath administred to them in the presence of this Assembly.

Mr. John Whiting was chosen Treasurer of this Colony for the year insuing.

Capt. Hez. Wyllys was chosen Secretary of this Colony for the year insuing, and accordingly sworn to that office and trust in the presence of this Assembly.

Ordered by this Assembly, That Nathaniel Stanly and Joseph Whiting, Esq^{rs}, return the thanks of the Assembly to the Reverend Mr. John Davenport, for his sermon delivered before the Assembly on the 8th instant, and desire him to grant a copy, that it may be printed.

This Assembly do appoint the Hon^{ble} Jonathan Law, Esq^{r}, to be Chief Judge of the Superiour Courts for the year insuing.

This Assembly do appoint Samuel Eells, Esq^r, Mathew Allyn, Esq^r, James Wadsworth, Esq^r, John Hooker, Esq^r, to be Assistant Judges of the Superiour Courts for the year insuing.

This Assembly do appoint Roger Wolcott, Esq^r, to be Judge of the County Court in and for the county of Hartford for the year ensuing.

This Assembly do appoint John Hall, Esq^r, to be Judge of the County Courts in and for the county of New Haven for the year ensuing.

This Assembly do appoint Mr. Samuel Lynde to be Judge of the County Courts in and for the county of New London for the year ensuing.

This Assembly do appoint John Burr, Esq^r, to be Judge of the County Courts in and for the county of Fairfield for the year ensuing.

This Assembly do appoint Timothy Peirce, Esq^r, to be Judge of the County Courts in and for the county of Windham for the year ensuing.

This Assembly do appoint the Hon^ble Joseph Talcott, Esq^r, to be Judge of the Court of Probate in the county of Hartford, for the year ensuing.

This Assembly do appoint Joseph Whiting, Esq^r, to be Judge of the Court of Probate in the county of New Haven, for the year ensuing.

[678] This Assembly do appoint Mr. John Plumb to be Judge of the Court of Probate in the county of New London, for the year ensuing.

This Assembly do appoint John Burr, Esq^r, to be Judge of the Court of Probate in the county of Fairfield, for the year ensuing.

This Assembly do appoint Tim^o Pierce, Esq^r, to be Judge of the Court of Probate in the county of Windham, for the year ensuing.

This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate in the district of Guilford, for the year ensuing.

This Assembly do appoint Mr. Joseph Minor to be Judge of the Court of Probate in the district of Woodbury, for the year ensuing.

This Assembly do appoint Mr. Jonathan Hoytt to be Judge of the Court of Probate in the district of Stanford, for the year ensuing.

This Assembly do appoint Capt. Samuel Mather, Col° David Goodrich, Capt. William Wadsworth, Mr. Thomas Kimberly, Capt. Joshua Robbins, Mr. Michael Taintor, James Wells, Capt. Hez. Wyllys, Capt. John Marsh, Capt. Thomas Gates, Mr. Joseph Phelps, Mr. Benj^a Skinner, Mr. Josiah Goodrich, Capt. John Bissell, Capt. Benj^a Addams, Mr. Izrahiah Wetmore, Capt. Giles Hall, to be Justices of the Peace in the county of Hartford for the year ensuing.

This Assembly do appoint Capt. Samuel Mather, Col° David Goodrich, Capt. W^m Wadsworth, Mr. Thomas Kimberly, to be of the Quorum in the county of Hartford for the year ensuing.

This Assembly do appoint Mr. Warham Mather, Mr. James Hooker, Mr. Samuel Bishop, Mr. John Riggs, Capt. Roger Newton, Capt. Janna Meiggs, Capt. Andrew Ward, Mr. Samuel Brunson, Capt. Thomas Judd, Mr. John Hopkins, Capt. Theophilus Yale, Capt. Samuel Gunn, Capt. Joseph Hull, Capt. John Russell, Capt. Henry Crane, to be Justices of the Peace in the county of New Haven for the year ensuing.

This Assembly do appoint Mr. Warham Mather, Mr. Samuel Bishop, Mr. James Hooker, Mr. John Riggs, Capt. Roger Newton, to be of the Quorum in the county of New Haven for the year ensuing.

This Assembly do appoint Mr. John Plumb, Mr. Joseph Backus, Mr. Dan^ll Palmer, Mr. John Brown, Mr. Sam^ll Lynde, Mr. Nathan^ll Cheeseborough, Mr. James Morgan, Mr. James Avery, Mr. Moses Noyes, Mr. Stephen Whittlesey, Mr. Abram Pierson, Capt. David Buell, Capt. Joshua Hempstead, Capt. Jabez Hide, Mr. Richard Christophers, Mr. John Cook, Mr. John Griswold, Capt. William Hide, to be Justices of the Peace in the county of New London for the year ensuing.

This Assembly do appoint Mr. John Plumb, Mr. Joseph Backus, Mr. Daniel Palmer, Mr. John Brown, to be of the Quorum in the county of New London for the year ensuing.

This Assembly do appoint Mr. Edmund Lewiss, Capt. Joseph Platt, Capt. Moses Dyamond, Mr. Andrew Burr, Capt. Joseph [679] Minor; || Capt. Joseph Bishop, Mr. Samuel Peck, Capt. Jonathan Hoytt, Mr. John Copp, Mr. Thomas Fitch, Mr. Richard Osborn, Mr. John Gregory, Capt. Samuel Couch, Mr. Thomas Bennitt, Capt. William Preston, Mr. John Gold, Capt. James Bebee, Capt. Thomas Towsey, Mr. John Thompson, Mr. Joseph Knapp, to be Justices of the Peace in the county of Fairfield for the year ensuing.

This Assembly do appoint Mr. Edmund Lewiss, Capt. Joseph Platt, Capt. Moses Diamond, Capt. Joseph Minor, Mr. Andrew

Burr, to be of the Quorum in the county of Fairfield for the year ensuing.

This Assembly do appoint Mr. Joshua Ripley, Capt. Tho. Huntington, Capt. Joseph Addams, Mr. Eben^{z} West, Capt. John Fitch, Mr. Joseph Strong, Major John Sabin, Mr. Joseph Levinze, Capt. John Woodward, Mr. Jehosaphat Holmes, Mr. Peter Buell, to be Justices of the Peace in the county of Windham for the year ensuing.

This Assembly do appoint Mr. Joshua Ripley, Capt. Thomas Huntington, Capt. Joseph Addams, Mr. Eben^{z} West, to be of the Quorum in the county of Windham for the year ensuing.

This Assembly do appoint Roger Wolcott, John Hooker and John Burr, Esq^{rs}, Capt. John Chester, Mr. Samuel Hill, Mr. Samuel Burr, and Mr. Samuel Willard, or any six of them, to audit the Colony accounts with the Treasurer.

This Assembly do establish and confirm Mr. William Peet of Stratford to be Ensign of the company or trainband at the parish of Unity in the town of Stratford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Coe of Durham to be Captain of the company or trainband in the town of Durham aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joell Permele of Durham to be Lieutenant of the company or trainband in the town of Durham aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Hezekiah Talcott of Durham to be Ensign of the company or trainband in the town of Durham aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Webster of Lebanon to be Captain of the north company or trainband in the first society in Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Lyman of Lebanon to be Lieutenant of the north company or trainband in the first society in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Woodruff of Farmington to be Captain of the company or trainband at the parish of Southington in the town of Farmington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Hart of Farmington to be Lieutenant of the company or trainband at the parish of Southington in the town of Farmington, and order that he be commissioned accordingly.

[680] This Assembly do establish and confirm Mr. Isaac Lewiss of Farmington to be Ensign of the company or trainband at the parish of Southington in the town of Farmington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Reignolds of Greenwich to be Lieutenant of the east company or trainband in the town of Greenwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Ferriss of Greenwich to be Ensign of the east company or trainband in the town of Greenwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Lee of Farmington to be Ensign of the first company or trainband in the town of Farmington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Smith of Haddam to be Lieutenant of the company or trainband in West Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Fisk of Haddam to be Ensign of the company or trainband in West Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Henry Allyn of Windsor to be Captain of the first company or trainband in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Roger Newbury of Windsor to be Lieutenant of the first company or trainband in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Job Loomiss of Windsor to be Ensign of the first company or trainband in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Pratt of Seybrook to be Lieutenant of the company or trainband belonging to the north society in Seybrook aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Starke of Seybrook to be Ensign of the company or trainband be-

longing to the north society in the town of Seybrook aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Cheeseborough 2d, of Stonington, to be Lieutenant of the first company or trainband in the town of Stonington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Lee to be Captain of the company or trainband on [the] easterly side of Black Hall river in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Waterus of Lyme to be Ensign of the company or trainband on the easterly side of Black Hall river in the town of Lyme aforesaid, and order that he be commissioned accordingly.

[681] This Assembly do establish and confirm Mr. Samuel Burr of Fairfield to be Lieutenant of the first company or trainband in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Squire of Fairfield to be Ensign of the first company or trainband in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

Upon the petition of Jonathan Curtice, in behalf of Stepney society, praying this Assembly to grant that all the unimproved lands lying within the bounds of said Stepney parish might be assessed at ten shillings per year for every hundred acres, and proportionable for greater and lesser quantities: This Assembly grant that all the unimproved land in the said society be assessed as aforesaid for the term of four years next coming, to be improved in defraying the publick charges of the said society; to be gathered by the collector of their other rates annually.

Whereas, by an order from the Major of New London county, the third company in the town of Preston in said county was led to the choice of military officers, and for their lieutenant said company nominated one Thomas Rose, which was certified to this Assembly in October last: And forasmuch as said Rose had in sundry instances misbehaved himself, wherefore the said Assembly rejected the said nomination, and refused to order a commission to pass the seal, to confirm said person in said office; after which, his Honr the Governour gave a warrant to the captain of said company, requiring him to lead said company to the choice of a lieutenant, also containing a prohibition therein forbidding all per-

sons from voting for said Rose; in obedience to which warrant said captain hath now certified this Assembly that he led said company to a choice as ordered, and althô the Governour's order was fully known to said company, yet in contempt thereof the major part of them did again vote for said Rose; which matter this Assembly have now considered, and do resolve, that said company have so behaved themselves that they ought not to have the benefit of nominating a person to the abovesaid office; and thereupon do order and appoint Mark Williams to be Lieutenant of said company, and that Daniel Woodward be Ensign of said company, and that they be accordingly commissionated to their respective offices.

Upon consideration of the petition of sundry inhabitants of Guilford, praying for the liberty of setting up another ecclesiastical society in said town: This Assembly observing that the inhabitants of Guilford have lately been at great expence in raising a meeting house, which stands conveniently and has capacity to accommodate the whole society as it now is, are thereupon of a opinion that the peace, religion, wealth and good order of the inhabitants will be best promoted in the keeping together in one society, if the present misunderstandings among the people can be removed, which good thing it is hoped may be attained by council: It is therefore resolved, and this Assembly do appoint the Reverend Mr. Timothy Woodbridge, Mr. Eliphalet Addams and Mr. William Russell, [682] to repair to Guilford, and to hear, consider || and advise both parties in that society, as they shall find there is reason in their case, and by all proper means indeavour an accommodation of the divisions that are there, and bring that people to unite themselves together in love and peace, in carrying on the worship of God in the house of prayer they have built to his name. The cost of this council to be defrayed out of the treasury of the society; and the said gentlemen are to make report of their success, and their opinion what is best further to be done in this affair, to this Assembly in October next.

This Assembly do establish and confirm Mr. James Judson of Stratford to be Lieutenant of the Troop in the county of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Dan^{ll} Hubbel to be Lieutenant of the company or trainband in the parish of Stratfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Keeny of Preston to be Captain of the second company or trainband in the town of Preston aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Billings of Preston to be Ensign of the second company or trainband in the town of Preston aforesaid, and order that he be commissioned accordingly.

It being represented to his Honour the Governour by John Russell and Eleazar Stentt, the two captains of the companies in the old society in the town of Branford, that since they are made two societies and three companies, the said two companies in the old society are so far decreased that they are discouraged, and therefore officers and souldiers have agreed to address his Honour the Governour, that they may be again reunited and made one company, which representation his Honour hath recommended to this Assembly to determine, who thereupon have resolved, that the said two companies in the old society shall for the future be but one company, and that the said John Russell, with the assistance of the said Eleazar Stent, do lead the said souldiers to the choice of captain, lieutenant and ensign for said company, and make report thereof to the General Assembly at New Haven in October next, that they may be accordingly commissioned.

Upon the memorial of the reverend trustees of Yale College: This Assembly grants, in addition to the former allowance made to said college, the sum of eighty pounds a year for the term of two years next coming; and what this Assembly allows to said college shall be yearly paid, the one-half thereof in May, and the other half thereof in October; the first payment to be this present instant May.

This Assembly do grant liberty to the inhabitants of the society of Merridan in the town of Wallingsford, to imbody themselves into church estate and settle with them an orthodox gospel minister; the said inhabitants first obtaining the consent of the neighbouring churches.

[683] Upon the petition of Mary Sturgiss, executrix, and Solomon Sturgiss, co-executor of the last will and testament of Joseph Sturgiss, late of Fairfield, deceased, shewing to this Assembly that Mary Sturgiss, daughter of said Joseph, died leaving a young child in her father's house, which has been nursed and supported by his estate, and that one John Dimon of said Fairfield was, by said Mary deceased, accused of being the father of said child, and praying that the said Dymon might repay to the petitioners a just proportion of what has been already expended for the support of the said child out of said estate: Resolved by this Assembly, that the said Dymon shall pay to the petitioners, on the account aforesaid, the sum of twenty pounds money, and costs.

Upon the memorial of Thomas Norton of Farmington, praying this Assembly to grant him an abatement of the fourfold assessment made of his whole estate by John Steel and others, the listers in Farmington, 1728: This Assembly grants to the said Thomas Norton the abatement prayed for, and it is hereby abated.

This Assembly do establish and confirm Mr. Thomas Curtice of Farmington to be Lieutenant of the company or trainband at the parish of Kensington, in Farmington aforesaid, and order that he be commissioned accordingly.

The Assembly do establish and confirm Mr. Ephraim Warren of Kellingly to be Captain of the company or trainband on the south part of the town of Kellingly aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Cutler of Kellingley to be Lieutenant of the company or trainband on the south part of the town of Kellingly aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Danelson of Kellingly to be Ensign of the company or trainband on the south part of the town of Kellingly aforesaid, and order that he be commissioned accordingly.

Pursuant to the act of the General Assembly, holden at New Haven, Octo. 10th, 1728, appointing us a committee to endeavour an accommodation of the difficulties that had arisen in the first society in Stonington, in respect to their building a meeting-house or meeting-houses there; we have attended that service, and find it impracticable to prevail with the parties to come to an amicable agreement upon a place to fix their meeting-house. We have, therefore, fully enquired into the affair, and of the place where the meeting-house may be set so as best to accommodate the whole society. And, having heard and considered what was offered by both parties, we humbly offer it as our opinion, that the place by the country road nearest the center of said society, where the ground is already measured out as it was procured for that end of Mr. Elihu Cheesebrough, and where the timber is already carted and partly framed, is the most convenient and most proper place to fix a meeting-house so as best to suit the whole society.

Stonington, November 20th, 1728. C. Christophers,
Joseph Backus,
Dan[ll] Brewster.

The above report is by this Assembly allowed and approved, and order that the society proceed to build a meeting-house

at the place reported best to suit the whole society, as abovementioned.

[684] This Assembly do establish and confirm Mr. Jedediah Strong of Lebanon to be Ensign of the north company or trainband in the first society in the town of Lebanon, and order that he be commissioned accordingly.

Upon the prayer of the proprietors of Hebron, shewing to this Assembly that Col° Mathew Allyn, Capt. James Wadsworth, Jn° Hooker, Esq^rs, being appointed by an act of the General Assembly, in October, 1720, a committee to settle and ascertain the bounds and claims in and about Hebron, had made return of their doings to this Assembly, although their work remains unperfected; and praying that the power given them by said act may be revived, and they fully enabled to perfect said work: This Assembly do hereby authorize and impower them, at the cost of said petitioners, to compleat said work according to the instructions given them in said act; which settlement, so made, shall forever conclude any and every such claim or line, unless this Assembly, upon application made to them, shall grant relief.

Upon the memorial of John Read, in behalf of himself and the rest of the inhabitants of Lone Town, Chesnutt Ridge, and the peculiar between Fairfield and Danbury, shewing to this Assembly the great difficulty they labour under in attending on the publick worship of God, and the forwardness of the town of Fairfield to encourage them to set up the publick worship of God among themselves by conceding that two miles of the rear end of their long lots be added to them, in order to the making them a parish; and praying this Assembly that they may be allowed to be a society for the worship of God, with the privileges usually granted to such societies or parishes, and that said society or parish may comprize those lands that lie encirculed betwixt the townships of Fairfield, Danbury, Newtown and Ridgefield, together with the aforesaid two miles of Fairfield long lots; and that they may have remitted to them their country rate during the pleasure of this Assembly; and that all the lands aforesaid may be taxed by the order of said Assembly; and that said parish be annexed to Fairfield, and that it be named Reading:

This Assembly grants that the said Lone Town, Chesnutt Ridge and the peculiar thereof, be a society or parish by themselves, and to have all the privileges usually granted to societies or parishes, and that said society or parish shall comprize all those lands that lie encirculed betwixt the townships of Fairfield, Danbury, Newtown and Ridgefield, together with

two miles of the rear end of Fairfield long lots. Furthermore, this Assembly doth remit to them their country rate for four years, excluding those only who decline to joyn with them for what is prayed for, of being released of country tax; and that all the laid out unimproved lands within the limits of said parish be taxed at six shillings a hundred acres per year for four years, and that the money raised thereby be improved for the defraying the ministerial charges among them in that place; and that said parish be named Reading.*

Whereas the General Assembly, on May 11th, 1727, did lay a tax of eight shillings for one hundred acres upon all the lands in Wellington, for the space of four years then next coming, to be annually paid by the proprietors on or before the month of October, for the setting up and support of the worship of God there; the said tax to be made and the money raised thereby disposed of to said uses by Roger Wolcott, Esq^{r}, [685] || Mr. Samuel Woodbridge, and two other persons to be appointed by the inhabitants of Wellington: and the Assembly, at their sessions in October, 1727, did annex one mile on the west side of Ashford next Wellington to said Wellington, as far as relates to parish charges: that the tax for the parish charges was not then ascertained, nor the committee appointed to make said tax and order the money to the uses whereunto it was granted: It is therefore now ordered and resolved, that there shall be a tax of eight shillings upon every hundred acres of land in said mile annexed to Wellington, and *pro rato* for greater and lesser quantities, paid by the owners thereof for the space of three years from the month of May, 1728, to be paid annually on or before the month of October; the first and second tax on or before the month of October next. And Roger Wolcott, Esq^{r}, Mr. Sam^{ll} Woodbridge, and two persons more to be appointed by the parishioners of Wellington, are appointed a committee to make said tax and order the money to be raised by it to the uses whereunto it is granted.

Upon the memorial of John Chandler, Esq^{r}, for himself and partners, claimers of land in that part of Ashford called New Scituate, shewing this Assembly that they labour under great inconveniencies with respect to the bounds of their lands, by reason that sundry persons claiming or holding land under the town of Ashford refuse and neglect to shew their bounds, agreeable to the report of a committee appointed by this Assembly sitting in Hartford in May, 1719, of the settlement

* In both places the name has been altered on the record from Reading to Redding. Reading is the spelling of the original bill. *Ecclesiastical*, V, 124.

of Ashford: And whereas some differences has arisen concerning the charge of ascertaining the bounds of the same: Therefore, for the full settling of all differences that have or may arise, by means thereof,

Be it enacted by his Honour the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said John Chandler, or any other of said claimers, shall or may, within three months from and after the rising of this Assembly, notify all persons that have land in that part of Ashford called New Scituate, holding under the town of Ashford and confirmed by said committee, to shew the bounds of their said land, in order to have the same measured according to the settlement of said committee. And if any person or persons holding land as aforesaid, being so notified, shall neglect to shew their bounds and submit to measure as aforesaid, for the space of one whole year next coming, then it shall be in the power of said claimers, or any of them, to take the surveyour of the county of Windham, who is fully hereby authorized and impowred to measure such land assigned by the settlement of said committee to particular persons and the same reduce to the quantity allowed by said settlement, the said surveyour always conforming himself to the determination of said committee in that affair, according to the best of his discretion.

And be it further enacted by the authority aforesaid, That every person holding land as aforesaid shall, and hereby are obliged to shew the bounds thereof, and shall bear his own charge therein. But in every measure that said surveyour shall make, finding the quantity to exceed what was assigned in said settlement, the overplus shall be taken off where it may least prejudice the owners, the charge whereof to be born equally between said claimers and such person to whom the land now belongs.

Upon the petition of John Read of Boston, shewing to this Assembly a grant of two hundred acres of land made to Daniel Shelton, May 9th, 1700, and conveyed from said Shelton to said Read by a deed well executed, bearing date April 4th, 1710; [686] and a grant of one hundred acres of land made || to Richard Hubbell, October 10th, 1706, and conveyed from said Hubbell to said Read by a deed well executed, bearing date March 27th, 1711, surveyed and laid out as followeth, viz: beginning at a walnut tree markt I. R. on it, standing a little way north east from the Hogg Ridge between Danbury and Fairfield in the north line of Capt. Wakeman's farm; thence running two hundred eighty rods north eleven degrees west to

a red oak tree markt, on the west side of Stadley Ridge; thence running east fourteen deg. north one hundred eighty-four rods to the little river at two elm staddles and a red ash marked; thence running southerly with the river, and bounded upon it, two hundred eighty rods to a bitter-walnut tree marked, standing by the west side of the little river in the north line of Moses Knapps farm, which was Fairfield school farm; thence running one hundred sixty rods westerly to the walnut tree first mentioned. Furthermore, a grant of two hundred acres of land made to Cyprian Nickols, October 13th, 1687, and conveyed from said Nickols to said Read by a deed well executed, bearing date April 12th, 1712; and two hundred acres of land bought at vandue of the Deputy Governour and Major Peter Burr deceased, surveyed and laid out as followeth, March 17th, 172$\frac{8}{9}$: beginning at a walnut spire markt, with stones laid to it, being the southwest corner of two hundred acres of land laid out to Capt. John Wakeman late of Fairfield deceased, and stands four rods north of the north line of said Fairfield; and from thence W. 17½ d. S. 100 rods to a white oak tree markt, with stones laid to it; thence N. 17½ d. W. 216 rods to a white oak tree markt, with stones laid to it; thence W. 17½ d. S. 88 rods to a red oak pole markt; thence north 17½ deg. W. 168 rods to a chesnut tree markt; thence W. 17½ d. S. 60 rods to a white oak tree markt; thence N. 17½ d. W. 60 rods to a great rock with stones laid on it; thence E. 17½ d. N. 176 rods to a white oak pole markt; thence south 17½ deg. E. 16 rods to a white oak tree markt; thence E. 7 d. N. 64 rods to a white oak tree markt; thence S. 12 deg. E. 94 rods to a white oak pole markt; thence E. 17½ d. N. 20 rods to a heap of stones; and from thence S. 17½ d. E. one mile to the walnut spire first mentioned: This Assembly grants that the said John Read shall have a patent executed in due form, according to his grants and surveys as abovementioned.

Upon the memorial of Daniel Palmer and John Noyes, of Stonington, praying that this Assembly would enact and order that the south society of Stonington should be directed to some proper method in their proceeding to build their meeting house in the place now determined and affixed by this Assembly: It is now ordered by this Assembly, that the said society shall have a meeting sometime at or before the 10th day of July next coming; and Roger Wolcott, Esq^{r}, is hereby desired and impowred to cause the said meeting to be warned, (by some proper person or persons,) appointing the time and place where such meeting shall be holden; at which meeting the said Roger Wolcott, Esq^{r}, shall be moderator, with full power

to lead and conduct said meeting in all votes and acts relating to the setting up and finishing said meeting house and granting of rates or taxes, for the defraying the charges that hath arisen or may arise relating to the premises. And what votes shall be passed by said meeting, the said moderator shall cause to be truly recorded.

Upon the memorial of Mr. John Fiske and James Levinze, of Kellingly, shewing that, pursuant to an order or grant of the General Court, sitting at Hartford May 13th, 1725, they have, with the assistance of Thomas Kimberly, Esq^{r}, surveyour of the county of Hartford, surveyed and laid out 628 acres of land on the west side Owsatunnuck or Stratford river, granted [687] them by said Assembly, and lyeth on the river || that, running from the west and northwest, empties itself into said Owsatunnuck river a little below the great falls, and is called Salmon river, and bounded as followeth, viz: beginning at an ash staddle marked with stones about it, standing in a swamp; and extends thence south twenty-seven degrees west one mile to a white oak tree markt and stones about it, standing on the east of a pine swamp; and thence extends east twenty-seven degrees south four hundred and eight perch to a certain white oak staddle and stones about it, standing north east of said Salmon river; and thence run northwestward to a heap of stones on a rock on the southwestward foot of a hill; and thence runs west twenty-seven degrees north two hundred perch to the ash staddle first mentioned; which piece contains six hundred and eight acres. The twenty acres is bounded as followeth, viz: beginning at the heap of stones on the rock mentioned as above, and thence the line runs west twenty-seven degrees north eighty perch to a bunch of poplar staddles and stones about them, standing in a swamp, being the southeasterly corner of a piece of land lately laid out and now claimed by Andrew Hinman; and thence run northward eighty perch to a heap of stones on a rock, being said Hinman's northeastward corner; and thence southeastward to the place where this piece first began; praying for a patent, and full confirmation thereof, according to said surveys: Resolved by this Assembly, that the said six hundred twenty-eight acres of land, surveyed as aforesaid, be, and the same is hereby fully granted, ratified and confirmed to the said John Fiske and James Levinze, and to their heirs and assigns forever; and that the Governour and Secretary, in the name of this government, sign a patent for the same accordingly; provided the same do not interfere on any former grant or grants of this Assembly made to any plantation or particular person.

Upon the motion of Samuel Peck, Samuel Hubbard, and sundry other of the inhabitants dwelling in the northwest part of Midletown, praying the resolution of a question arisen out of the following premises, viz: It being ordered by this Assembly, held at Hartford May 8th, *anno Dom.* 1718, that the said persons, and those that shall hereafter dwell within such limits as the said Assembly did specify, should be released from paying ministers rates in their own township and shall pay rates to the society called the Great Swamp until this Assembly shall order otherwise, whether the said inhabitants are so annexed unto the said society as that they are compellable to bear other society charges besides ministers rates, and have the privileges (if qualified as the law directs) of giving their votes with the rest of the inhabitants of said society in other society affairs: This Assembly resolves the above question in the affirmative.

Upon the petition of Nehemiah Loring of Stratford, complaining of a judgment given against him at the adjourned county court at Fairfield in January last past, in favour of Mr. Richard Martin of Ramsgate in the parish of St. Lawrence in the Isle of Thanett, &c., for the sum of £30 16*s.* 6*d.* sterling money, or £92 9*s.* 5*d.* New England money, and cost £10 5*s.* 2*d*, praying the said judgment might be reversed and made void, with the doings thereon, and another tryal granted: Upon consideration whereof, this Assembly do grant to the said Nehemiah Loring liberty of one tryal more of the case at the superiour court in Fairfield in August next, and the whole cost to follow the case; and if the petitioner recover in that tryal, what has been levied on him by the execution of the former judgment shall be restored to him again.

This Assembly do establish and confirm Mr. Hezekiah Gaylord of Hebron to be Captain of the north company or trainband in the town of Hebron aforesaid, and order that he be commissioned accordingly.

[688] This Assembly do establish and confirm Mr. William Rollo of Hebron to be Lieutenant of the north company or trainband in the town of Hebron aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benoni Trumball of Hebron to be Ensign of the north company or trainband in the town of Hebron aforesaid, and order that he be commissioned accordingly.

An Act in Addition to and for the Alteration of an Act made in the seventh Year of the Reign of Queen Ann, entituled An Act for the Ease of such as soberly dissent from the Way of Worship and Ministry establisht by the Laws of this Government.*

Whereas it is provided in said act that nothing therein shall be construed to the excusing any person from paying any such minister or town dues as were then or afterwards should be due from them,

It is now resolved and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That where there are such dissenters as are commonly called Quakers, who do attend the worship of God in such way as is allowed by said act, within this Colony, or are so situated by the borders thereof as that they may and do attend the service out of the limits of this government in any such meeting as aforesaid, and shall produce a certificate from such societies of their having joyned themselves to them, and that they do belong unto their society, that he or they shall be excused from contributing to the support of the established ministry, and from contributing or paying any tax levied for the building any meeting-house or houses in the society or parish wherein they dwell.

This Assembly do appoint Mr. John Hitchcox of New Haven to be County Surveyour of lands in the county of New Haven.

Upon the memorial of the town of Midletown, setting forth the bounds of their grant and patent on the east side of their township, and the report of the county surveyours running and ascertaining by proper monuments their east line from their north-east corner, being a large heap of stones between Glassenbury and Midletown, six miles or thereabouts from the great river, a known boundary, to their south-east corner, being a white oak stump with a large heap of stones about it, the known bounds between Midletown and Haddam: This Assembly do approve of the said survey, and order it be recorded.

Upon the petition of James Rogers, formerly of New London, now of Norwalk, administrator of the goods and chattels of Mr. James Rogers, late of New London, deceased, *v.* John Rogers of New London, administrator of John Rogers, late of New London, deceased, complaining of a judgment of the superiour court held in New London on the fourth Tuesday of March last, given upon a writ of errour brought by the said John, administrator, against the petitioner, and for the reasons assigned praying the said judgment might be set aside

* Vol. V., 50.

and made void, and that he might have liberty of one tryal more of said case: Resolved by this Assembly, that the aforesaid judgment complained of shall be set aside, and the same is hereby set aside and made void; and that the petitioner shall have liberty of one tryal more of said case at the superiour court to be held in New London on the fourth Tuesday of September next, as prayed for.

[689] The committee subscribing hereunto report, that the money sent to Agent Dummer, being in our money, was all of it, excepting £150 sterling, or that which might procure it, was to be improved to answer Winthrop's complaint; and that the money raised for the procuring £1000 sterling was to be committed to Mr. Belcher, to be improved for the best advantage of this government, without appropriating it to any particular use; and are of opinion that there is a sufficiency in our agent's hands to answer the present occasions, besides the £150 sterling in Mr. Dummer's hands appropriated to the business relating to our vacated law: Yet that his Honour the Governour be desired to signify unto Mr. Dummer that, if need so require, it may be imployed in our present defence. And further, that his Honour the Governour be desired to signify unto our said agents the expectation of this Assembly, that they will unite their powers and vigorously exert themselves and improve the money in their hands, and whatsoever is needful for our defence against Mr. Winthrop's complaint, and for the taking off his Majesties sentence against our law concerning intestate estates.

Jonath. Law, David Goodrich,
Sam[ll] Eells, Edmund Lewiss, *Committee.*
Roger Wolcott,

The above report read in this Assembly and approved.

Upon the petition of William Swaddle of Groton *v.* Robert Allyn of said Groton, praying for the reversal of a judgment of the superiour court in New London, March, 1728, shewing that for want of his evidences, they being out of the Colony and sick at the time of said tryal, judgment went in favour of said Allyn, and praying for another tryal in the case: Resolved by this Assembly, that the petitioner have another tryal at the superiour court to be holden at New London on the fourth Tuesday of September next, that thereby he may use and improve the testimonies in the case mentioned in said petition; and that the costs go with the judgment, according to the prayer of the said petition.

On the memorial of Messrs. Roger Pitkin, Sam[ll] Wells, Sam[ll] Woodbridge, Joseph Pitkin, and the rest of the propri-

ctors of the upland lots on the east side of the great river in the town of Hartford, craving this Assembly to appoint a committee of indifferent and judicious men to enquire into the circumstances of said proprietors, relating to the difficulties amongst them in respect of and relating to the divident lines of the aforesaid upland lots lying between the towns of Windsor and Glassenbury, and to make report thereof to the General Assembly in October next: This Assembly do appoint James Wadsworth, Esq^{r}, John Hooker, Esq^{r}, and Col^{o} David Goodrich, or any two of them, to be a committee to enquire into the whole state of that affair, and the difficulties thereof respecting the dividing line of said lots, and make report thereof to this Assembly in October next, at the cost of the petitioners.

This Assembly do establish and confirm Mr. John Buell of Litchfield to be Captain of the company or trainband in the town of Litchfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jacob Griswold of Litchfield to be Lieutenant of the company or trainband in the town of Litchfield aforesaid, and order that he be commissioned accordingly.

[690] This Assembly do establish and confirm Mr. Joseph Bird of Litchfield to be Ensign of the company or trainband in the town of Litchfield aforesaid, and order that he be commissioned accordingly.

Whereas the General Assembly, at their sessions in October last past, granted liberty to the town of Windsor to change the two highways laid out by the jury on the east side of the great river in Windsor, viz: the upper and lower ways, provided it be done in the space of six months; and the town of Windsor did, at their meeting held by adjournment Feb'y 3d, 172$\frac{8}{9}$, choose, appoint and fully impower, a committee to repair to and view the upper and lower highways and sundry other places proposed for highways, to consider the conveniency of the ground or places most fit for highways, and to determine and fix the place or places for said ways and procure the same as cheap as might be: Pursuant to which the committee did view, consider and determine, that the lower highway shall be on the south side of Lt. Henry Wolcott and James Wolcott's lot, and the upper highway to be at and in the lot belonging to Serjt. David Bissell and Jonathan Bissell, according to the directions of the Assembly; both which ways the said committee have fixed and obtained for highways without cost and charge to said town. The said committee made report to the

town of Windsor of their doings, at their meeting held April 29th, 1729. At said meeting the town of Windsor accepted of what their committee had done in that matter, and ordered that application shall be made to the General Assembly in May next for confirmation of the upper and lower ways obtained and fixed by their committee, and also that the upper and lower way laid out by the jury may be made void.

The prayer of the town of Windsor, respecting their highways on the east side of the great river, heard and granted. And it is resolved and ordered by this Assembly, that the two highways, namely the upper way in said Bissell's lot, and the lower way on the south side of Lt. Henry Wolcott and James Wolcott's lot, as it is now fixed by the town of Windsor, be accepted, ratified and confirmed; and this Assembly do hereby establish and confirm the same to be the two ways in lieu of the two ways laid out by the jury.

Upon the memorial of John and Daniel Hubbard, made to the Assembly in October last, praying for a committee to enquire into the circumstances of a certain tract of land lying partly in Wallingsford and partly in Durham, formerly granted by the General Assembly to Mr. W^{m} Lewiss, upon consideration whereof the Assembly appointed James Wadsworth and John Hall, Esq^{rs}, and Capt. John Munson, to enquire into the state of that affair and make report to this Assembly, which work not being fully compleated: This Assembly do appoint Col^{o} David Goodrich, Mr. Nathan^{ll} Burnham and Capt. Isaac Dickerman, to make a further enquiry into the state of that affair, and make report to this Assembly in October next.

Upon the memorial of the inhabitants of the society of Merridan in the town of Wallingsford: This Assembly do enact and order, that all the unimproved lands (being impropriated) lying in said society and belonging to persons that do not inhabit in said parish, shall be taxed, and all such lands are hereby taxed, at eight shillings and four pence per hundred acres, and proportionably for greater or lesser quantities, for the space of three years next coming; which tax shall be annually collected by collectors to be chosen by said society, as other rates are collected, and to be improved for defraying the ministerial charges in said parish, and for no other use.

[691] Whereas a committee being appointed to enquire into the affair of the Work House and report to this Assembly their opinion thereon have made report as followeth, viz: that the said work house be built in Hartford at the most convenient place as has been or shall yet be provided, and that a committee by this Assembly be appointed, forthwith to proceed in

that affair, with sufficient power to draw out of the publick treasury what money shall be needful to answer the charge of building a house for that service of fifty foot in length and thirty-two foot in breadth and fourteen foot between joynts: This Assembly do approve of the report of said committee, and do appoint Nathan[ll] Stanly, Esq[r], Mr. John Austin and Mr. John Skinner, all of Hartford, to be a committee to manage, direct and procure the said work house to be built; and that said committee be allowed a suitable recompence out of the publick treasury for their service in that affair, when the service aforementioned is performed.

Upon the memorial of the justices of the county of Windham, representing to this Assembly that they, at their meeting holden at Windham this third day of April, *anno Domini* 1729, then agreed to build a court house in said town for the said county, and that it should be forty foot in length and twenty four foot in width and twenty foot between joynts; and praying the allowance and approbation of this Assembly in that affair: This Assembly do, therefore, authorize and fully impower the judges and justices of the county court in said county, at their sessions from time to time, to assess the polls and rateable estate of the inhabitants of the several towns and parishes within the said county, for the raising and collecting so much money as shall be necessary to be improved for the building, repairing and maintaining the said house; and to order the treasurer of said county by his warrant directed to the constables of the several towns in said county, requiring them to levy and collect the same, in the same manner and form as the Colony Treasurer is by law enabled to collect the country rates; and the county treasurer shall be accountable to the said county court for the several sums that he shall so collect.

Upon the memorial of the proprietors of Colchester, shewing to this Assembly the western and northern bounds of their township, supposing the same to include a certain tract of land at the northwesterly part thereof, which tract some persons, under colour of a title to the same from Col[o] W[m] Whiting and Joseph Bradford, have entered upon; and praying an explication of their grant, with particular reference to the north bounds of Twenty Mile River, and for a committee to inspect, &c.: Resolved by this Assembly, that James Wadsworth and John Hall, Esq[rs], and Mr. Edmund Lewiss, be a committee to view and inspect the circumstances the said tract of land is under; and they are hereby fully impowred to do and transact, by running and measuring of lines, receiving of

evidence, &c., with relation to the premises, and make report thereof, with their opinion thereon, at this Assembly in October next, and that the same be at the charge of the petitioners; and all entries or further improvements on the said tract, until October next, by any persons, are hereby prohibited.

We the subscribers, being appointed a committee, do report it as our opinion, that there be four pieces of cannon procured somewhere in this government, and bro't to New London, if [692] any such there be || that are good, and if upon search they are found not to be good and sufficient, that then they may be had from Boston; that there be provided two barrels of powder and eight score shot for the eight guns, with rammers, spunges, crabs, &c., suitable for said guns; and that there be a small block house erected in said fort, for the securing the said stores or such a part of them as will be necessary to have upon the spot; and that Mr. John Plumb, Mr. John Pickett, and Mr. Richard Christophers, be a committee to raise the wall, and have the oversight of the building said battery, and to provide the guns and stores as above expressed; and that when the work is compleated and the stores, &c., are procured, Mr. Richard Christophers be appointed to have the care and command of said fort or battery, stores and artillery, for his Majesties service and the defence of the port of New London.

Mathew Allyn, Richard Christophers, Solomon Coitt,
Committee.

The above report read in this Assembly, and approved.

This Assembly order the Treasurer to deliver out of the treasury the sum of fifteen pounds to Capt. John Mason, for the encouragement and support of the school at Monhegan.

An Act for Emitting Bills of Credit for the Payment of the Publick Debts of this Colony.

Whereas there is in the Treasurer's hands the sum of fifteen hundred and five pounds sixteen shillings and nine pence, in good bills fit for further service, which was bro't in by the rate granted October one thousand seven hundred and twenty-seven, and are lodged in the treasury for the further disposal of this Assembly,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Treasurer shall be, and he is hereby, authorized and impowred to issue out and deliver the aforesaid sum of fifteen hundred and five pounds sixteen shillings and nine pence, towards the payment of the debts and the necessary charges of this Colony, according to such orders as shall be given him from time to time, according to law.

An Act for Enabling Executors, being Residuary Legataries, to bring their Action of Account against their Co-executors, to recover their Residuary Legacies out of the Hands of their Co-executors, and for Enabling Residuary Legataries to recover their Residuary Legacies against Executors.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That executors who are also residuary legataries, when all or any part of their legacies are witholden from them by their co-executors, may bring their action of account against their co-executors for the recovery thereof. And the same action is also hereby allowed to residuary legataries against executors; any law, usage or custom to the contrary notwithstanding.

Whereas the proprietors of some ancient towns in this government, which were settled before any patents were granted out to them, did agree or accustom themselves to divide the common or undivided lands within their townships amongst themselves, according to the methods, and interests, and pro- [693] portions, || as by themselves were agreed on or consented to, and did not grant their lands in town meetings, as some other towns in this Colony have done, and have continued to practice according to their said ancient customs in the divisions of their common land from time to time to this day: And whereas many of the ancient proprietors in such townships have sold, not only divisions so obtained, but also a considerable part of their interests and proportions in said common land, and thereby the purchasers thereof have obtained considerable estates to themselves, in the manner and form aforesaid: And whereas some doubt hath arisen, whether the law made May 9th, 1723, intituled An Act for the better establishing and confirmation of titles of land anciently obtained in townships according to customs heretofore used, and for the preventing contentions about the same, doth effectually quiet and confirm titles obtained in the form aforesaid: Whereupon a question arises, and is put to this Assembly, namely, whether dispositions of lands made by the proprietors of any town in this government, and the divisions and interests obtained in the form aforesaid, be within the equity of the act aforesaid a confirmation of such interests and divisions: Resolved by this Assembly in the affirmative.

An Act for the Rendering the Bills of Publick Credit on this Colony of better Currency, and for Preventing Fraud and Deceit in putting off torn and defaced Bills.

Whereas several of the bills of credit emitted by this Colony are torn in pieces, and do usually pass from man to man, which usage is thought not to be for publick advantage: For the preventing whereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there be forthwith imprinted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall amount to the sum of six thousand pounds; which bills shall be indented and stamped with such stamps as the Governour and Council shall order, and be signed by the committee appointed to sign the bills of credit on this Colony last emitted, they or any three of them, and of the tenor following:

No. ( ) 20*s.*

This indented bill of Twenty Shillings, due from the Colony of Connecticutt in New England to the possessor thereof, shall be in value equal to money, and shall be accordingly accepted by the Treasurer and receivers subordinate to him, and for any stock at any time in the treasury. Hartford, July the twelfth, *anno Dom.* 1709. By order of the General Assembly, May, 1713.

And it is further enacted, That the said bills, so to be imprinted by this act, shall by the said committee be put into the treasurer's hands, taking his receipt for the same; and the said treasurer is hereby impowred, at any time within one year after the 23d day of May, A. D. 1729, to exchange any and all of the said bills, and all other outstanding bills of this Colony that are not printed on the backs of them, with any person who shall, within said time, offer him in exchange any of the outstanding bills of credit of this Colony, torn as aforesaid, value for value: but not to give or dispose of them to any other use or end whatsoever, without the order of this Assembly.

[694] *And it is further enacted,* That as soon as the bills, to be imprinted and signed by this act, shall be put into the hands of the treasurer, a proclamation be printed and published, pursuant to this act, directing all persons that have any such bills in their hands, outstanding as abovementioned, to bring in their said bills into the treasury, to be exchanged by the treasurer as abovesaid, on penalty of having their demands upon the treasury, by reason of such bills, refused.

An Act to prevent Tumults and Disorders in Town Meetings, Society Meetings and Proprietors Meetings.

Whereas the peace and good order of towns and societies do very much depend upon their peaceable and orderly managing the affairs of such meetings: yet nevertheless, some designing persons, of ungoverned tempers, are often endeavouring to hinder or defeat the business of such meetings, either by tumultuous noise, or by opposing, abusing or inter-

rupting the moderator of such meeting in the discharge of his office: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when any town meeting, society meeting, or proprietors meeting, is lawfully assembled, if any person or persons whatsoever in such meeting, by tumultuous noise, quarreling, or any unlawful action, shall disturb such meeting, or hinder the members thereof from proceeding peaceably to the choice of their moderator, or after the moderator is chosen shall vilify or abuse such moderator, or interrupt him in the discharge of his office, or after he hath commanded silence shall speak in such meeting without his leave first had and obtained, (unless to ask reasonable liberty for such person to speak his mind,) such person or persons so offending, in any of the particulars above mentioned, shall, for every such offence, pay a fine of five shillings in current money to the treasury of the town in which the offence is committed. All offences against this act to be heard and determined by any one assistant or justice of the peace; unless the offence be aggravated by some notorious breach of the peace, in which case the offenders shall be bound over to the next county court, to answer for their offence.

And it is further provided, That no such meeting shall be adjourned or prorogued but by the voice of the major part of the members thereof then* present.

This Assembly observing it hath often hapned near the close of the Assembly, that many memorials are brought in, which only relate to private affairs, so that the publick business is thereby obstructed: Which to prevent,

It is resolved by this Assembly, That for the future all memorials that may be preferred to this Assembly shall be lodged in the Secretaries office on or before the eighth day of the Assembly's sitting. Always provided, that this resolve shall not be extended to make any alteration respecting the entering and hearing petitions as by law already established.

This Assembly do exempt David Clark of Windsor (in consideration of his lameness) from being rated for his poll in the country taxes, and he is hereby exempted accordingly.

[695] An Act for Ascertaining the Fee for Impounding Horses.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the fee for impounding of horses shall be two shillings

* The printed act reads 'there', but the record follows the original bill.

per head; any law, custom or usage to the contrary notwithstanding.

The Additions of the several Lists sent in to this Assembly.

	Additions.	*Fourfold assessments.*
	l. *s.* *d.*	*l.* *s.* *d.*
Hartford,	177 : 05 : 0	1306 : 6 : 0
New Haven,	1221 : 15 : 0	874 : 1 : 3
New London,	2153 : 16 : 0	2441 : 12 : 0
Milford,	83 : 02 : 9	
Farmington,	438 : 00 : 0	1537 : 16 : 0
Haddam West,	34 : 17 : 0	15 : 00 : 0
Colchester,	68 : 04 : 0	
Haddam East,	83 : 06 : 0	29 : 00 : 0
Lebanon,	70 : 10 : 6	15 : 00 : 0
Windham,	606 : 09 : 6	10 : 10 : 0
Lyme,	184 : 15 : 0	116 : 00 : 0
Killingsworth,	53 : 18 : 6	220 : 00 : 0
Midletown,	230 : 07 : 0	
Stanford,	361 : 05 : 0	
Branford,	528 : 17 : 0	181 : 08 : 0
Woodbury,	94 : 16 : 0	
Norwich,	36 : 02 : 0	138 : 08 : 0
Preston,	699 : 00 : 0	21 : 00 : 0
Hebron,	401 : 15 : 0	1257 : 08 : 0
Norwalk,	132 : 01 : 0	394 : 04 : 0
Groton,	1226 : 00 : 0	
Stonington,	617 : 00 : 0	292 : 00 : 0
Fairfield,	1608 : 13 : 9	1299 : 00 : 6
New Milford,	189 : 04 : 0	
Coventry,	36 : 00 : 0	
Wethersfield,	321 : 09 : 6	98 : 10 : 0
Mansfield,	306 : 06 : 0	
Stratford,	1007 : 00 : 6	394 : 00 : 0

Resolved by this Assembly, That the several assistants attending this Assembly, and that shall hereafter attend in the General Assembly from time to time, be allowed out of the publick treasury four pence per mile for their travel to and from the Assembly, and nine shillings and six pence *per diem*, exclusive of the sabbath days. Also the several deputies, attending as aforesaid, shall be allowed seven shillings *per diem*, exclusive of the sabbath days, and three pence per mile for their travel to and from the said Assembly.

An Act in addition to the law entituled An Act relating to townships and town officers: A further consideration thereof is referred to this Assembly at their sessions in October next.

[696] This Assembly do grant to the several judges of the respective county courts nine shillings per day, while they attend the county courts; and to the justices of said courts seven shillings per day while they attend the said courts, to be paid out of the county treasuries respectively; any law, usage or custom to the contrary notwithstanding.

This Assembly do impower Col° Mathew Allyn, John Hooker, Esq^rs, with the rest of the committee appointed with them in October last, to review the state of the town of Symsbury respecting those affairs committed to them in October last, and determine thereupon according as they shall judge best for the benefit of said town.

This Assembly do appoint Nathan^ll Stanly, Esq^r, Mr. James Ensign and Mr. William Pitkin, to adjust the printer's account now exhibited, and pass an order to the treasurer for what may be his due.

Upon the petition of John Eaglestone, jun., of Windsor, *v.* John Burr of Farmington, the question was put, whether the petitioner should be heard on his petition: Resolved by this Assembly in the negative. *Cost allowed respondent is* £1 1*s.* 0*d.* *Ex. granted December 5th*, 1729.

Upon the petition of John Rogers of New London, &c. *v.* Sam^ll Fox of said New London, &c., the question was put, whether the pleas offered to set aside said petition are sufficient: Resolved by this Assembly in the affirmative. *Cost allowed respondents is* £1 15*s.* 10*d.*

Whereas this Assembly, held at New Haven October *anno Dom.* 1727, appointed Mr. William Addams of Milford to ask, demand, recover and receive, of Mr. John Trowbridge, sheriff of New Haven county, the money that is in said Trowbridge's hands belonging to this government: And whereas the said Mr. Addams hath hitherto neglected to recover the same: This Assembly do now therefore order and direct the said Mr. Addams forthwith to pursue the powers and instructions so given to him to recover the said money of said Trowbridge; and that the Secretary send to said W^m Addams a copy of this act, and also a copy of the aforesaid act of Assembly impowering the said Addams to recover the said money.

The memorial of Edmund Lewiss, Esq^r, of Stratford, agent for the proprietors of New Fairfield: A consideration thereof is referred to this Assembly at their sessions in October next.

[697] A memorial signed Nathan^ll French, Thomas Dowe, John Peck, and others, is referred to the Assembly in October next.

A memorial signed Sam[ll] Curtice, Obadiah Hosford, and others, is referred, for a further consideration, to the Assembly in October next.

A memorial of the Reverend Mr. Timothy Woodbridge of Symsbury is referred for a resolve to the Assembly in October next.

A memorial of Mr. W[m] Addams, attourney for the proprietors of Newtown: The further consideration thereof is referred till the sessions of this Assembly in October next.

A memorial signed Samuel Morriss, attourney to Joseph Thompson, is referred to the Assembly in October next, for a further consideration.

Upon the memorial of the agent of Wellington: Resolved, that it be referred to the sessions of this Assembly in October next, then to be considered; and that a copy of said memorial, with this resolve thereupon, be left with the town clerk of Ashford at least ten days before the Assembly.

A memorial of the north part of the town of Symsbury, commonly called Turkey Hills, signed Isaac Owen, Samuel Forward, and others, inhabitants there, is ordered to be continued till the sessions of this Assembly in October next, and that the town of Symsbury be notified thereof by a copy of said memorial and of this act.

Upon the petition of James Hillier of Symsbury *v.* Nathan[ll] Griswold of Symsbury, the question was put whether the pleas offered in abatement are sufficient to abate the petition: Resolved by this Assembly in the affirmative. *Cost allowed respondent is* £0 18*s.* 2*d.* *Ex. granted July 9th*, 1729.

Whereas the business at this Assembly has drawn out their present sessions to such a length that all the members thereof can't, without great inconvenience, stay to hear the records thereof read off and compleated: This Assembly do order and appoint Roger Wolcott, Nathaniel Stanly, Ozias Pitkin, Esq[rs], Mr. Thomas Kimberly, Mr. William Pitkin, Mr. James Ensign, Col[o] David Goodrich, Capt. W[m] Wadsworth, a committee, in the name of this Assembly, to attend his Honour the Governour, to hear the records of the acts of this present sessions of the Assembly read off, and to see them perfected and then signed by the Secretary as compleat.

The Acts of the Assembly, as they stand recorded in the preceding pages, were read in the presence of his Honour the Governour and the committee abovenamed, and by them ordered to be signed as perfect and compleat.

HEZ. WYLLYS, Secret[y].

[From the Talcott Papers in the Connecticut Historical Society.]

AT A MEETING OF THE GOVERNOUR AND COUNCIL IN HARTFORD, ON THE 29TH DAY OF MAY, A. D. 1729.

Present, The Honourable Joseph Talcott, Esq., Governour.

Roger Wolcott, Esq.,
Nath. Stanly, Esq., } *Assistants.*
Ozias Pitkin, Esq.,

Col. David Goodrich,
Capt. Wm. Wadsworth,
Mr. Thomas Kimberly, *Justice of the Peace.*

Upon consideration of the act made by the General Assembly holden at Hartford, May the 8th, 1729, appointing Messrs. Richard Christophers, &c. a committee to erect a battery, &c. at New London, and procuring four cannon, stores, &c. to be improved in his Majesty's service and for the defence of the port at New London, and have not in said act given said committee full power to draw any money out of the publick treasury, &c. save that said service may be done to the best advantage for this government: It is resolved, that the Treasurer deliver out of the Colony treasury unto said Richard Christophers fifty pounds, to be improved for the building said battery and procuring said cannon, &c. pursuant to the said act of Assembly.

Upon reconsideration of the account of Nathaniel Gridly of Farmington for keeping James Norton 22 weeks at 6*s.* & 6 per week, as allowed at this board March 15th, 172$\frac{8}{9}$: It is now resolved that said Gridly shall have allowed out of the publick treasury at the rate of 7*s.* 6*d.* per week, which in the whole doth amount to the sum of eight pounds 5*s.*

Whereas the General Assembly, at their sessions 8th of May instant, ordered the new imprinting of £6000 in bills of credit on this Colony, from two shillings to five pounds, and to be put into the Colony treasury for exchange: Ordered by this board, that Mr. John Plumb administer the proper oath needful unto Mr. Timo. Green, printer, concerning the imprinting said bills.

[698] *CONNECTICUTT COLONY.*

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN ON THE 9TH DAY OF OCTOBER IN THE THIRD YEAR OF THE REIGN OF OUR SOVEREIGN LORD, GEORGE THE SECOND, OF GREAT BRITAIN, &C., KING, ANNOQUE DOM. 1729.

Present at this Assembly,

The Hon^ble^ Joseph Talcott, Esq^r^, Governour.
The Hon^ble^ Jonathan Law, Esq^r^, Deputy Governour.

Assistants.

John Hamlin, Esq^r^,
Samuel Eells, Esq^r^,
Mathew Allyn, Esq^r^,
Roger Wolcott, Esq^r^,
James Wadsworth, Esq^r^,
John Hall, Esq^r^,
John Hooker, Esq^r^,
Nath^ll^ Stanly, Esq^r^,
Joseph Whiting, Esq^r^,
Timothy Peirce, Esq^r^,
John Burr, Esq^r^,

Representatives or Deputies that were returned to attend at this Assembly, are as followeth, viz:

Mr. William Pitkin, Mr. James Ensign, for Hartford.
Mr. Solomon Coitt, Mr. Steph. Prentts, for New London.
Capt. John Fitch, Mr. Rich^d^ Abbey, for Windham.
Mr. Eben^z^ West, Capt. Eph. Sprauge, for Lebanon.
Mr. Tho. Kimberly, Mr. David Hubbard, for Glassenbury.
Mr. Joseph Strong, Mr. Peter Buell, for Coventry.
Capt. John Russell, Capt. Sam^ll^ Maltby, for Branford.
Mr. Nath^ll^ Foot, Mr. John Bulkley, for Colchester.
Capt. Tho. Huntington, Mr. Exp. Porter, for Mansfield.
Capt. John Lyon, Capt. James Reignolds, for Greenwich.
Mr. Sam^ll^ Lynde, Mr. Sam^ll^ Willard, for Seybrook.
Mr. William Judd, Mr. Steph. Upson, for Waterbury.
Col^o^ David Goodrich, Capt. John Chester, for Wethersfield.
Mr. Jonath. Lane, Mr. John Stephens, for Killingsworth.
Mr. James Hillyer, Mr. Sam^ll^ Forward, for Symsbury.
Maj^r^ John Sabin, Mr. Benj^a^ Sabin, for Pomfrett.
Capt. John Munson, Capt. Isa. Dickerman, for New Haven.
Mr. Sam^ll^ Burr, Mr. Andrew Burr, for Fairfield.
Capt. Benaj. Bushnell, Mr. Joseph Backus, for Norwich.
Capt. James Avery, Mr. Nicho. Street, for Groton.
Mr. Henry Castle, Mr. Andrew Hinman, for Woodbury.
Capt. W^m^ Wadsworth, Mr. John Hart, for Farmington.
Capt. Dan^ll^ Brainerd, for East Haddam.
Capt. James Brainerd, for West Haddam.
Mr. Sam^ll^ Palmer, Capt. Ob. Hosford, for Hebron.
Capt. Joseph Platt, Mr. Sam^ll^ Cumstock, for Norwalk.

Mr. George Phillips, Mr. John Andrews, for Midletown.
Mr. Sam[ll] Hill, Mr. Benj[a] Hand, for Guilford.
Capt. John Coult, Mr. Richard Lord, for Lyme.
Mr. John Gregory, Capt. James Beebe, for Danbury.
Capt. Henry Crane, Mr. Nath[ll] Sutliff, for Durham.
Mr. John Hutchins, Mr. Tho. Whitmore, for Killingley.
Mr. John Creery, Mr. William Dean, for Plainfield.
[699] Capt. John Riggs, Mr. Franciss French, for Derby.
Mr. Joseph Witter, Mr. Joseph Billings, for Preston.
Mr. Sam[ll] Hall, Mr. Gideon Ives, for Wallingsford.
Capt. Tho. Stoughton, Capt. Tho. More, for Windsor.
Capt. Tho. Noyes, Mr. Increase Billings, for Stonington.
Capt. Jonath. Hoytt, Mr. Jonath. Bates, for Stanford.
Capt. Roger Newton, Mr. John Fowler, for Milford.
Mr. Solomon Tracy, Mr. Sam[ll] Butt, for Canterbury.
Mr. Edmund Lewiss, Mr. Eph. Curtiss, for Stratford.

Mr. Thomas Kimberly, Speaker, } of the House of Repre-
Capt. John Russell, Clerk, } sentatives.

This Assembly do establish and confirm Mr. Mathew Seymor of Norwalk to be Captain of the north company or trainband in the town of Norwalk aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Mathew Gregory of Norwalk to be Licutenant of the north company or trainband in the town of Norwalk aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Lockwood of Norwalk to be Ensign of the north company or trainband in the town of Norwalk, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Phelps of Windsor to be Lieutenant of the company or trainband at the west society in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Griswold of Windsor to be Ensign of the company or trainband at the west society in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Phelps of Hebron to be Captain of the south company or trainband in the town of Hebron aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Morriss Tillotson of Hebron to be Licutenant of the south company or

trainband in the town of Hebron aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Jones of Hebron to be Ensign of the south company or trainband in the town of Hebron aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan Smith of Greenwich to be Ensign of the west company or trainband in the town of Greenwich aforesaid, and order that he be commissioned accordingly.

[700] This Assembly do establish and confirm Mr. John Russell of Branford to be Captain of the company or trainband in the first society in the town of Branford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Harrisson of Branford to be Lieutenant of the company or trainband in the first society in the town of Branford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan[ll] Johnson of Branford to be Ensign of the company or trainband in the first society in the town of Branford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Chandler of Pomfrett to be Captain of the company or trainband in the town of Pomfrett aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan[ll] Sessions of Pomfrett to be Lieutenant of the company or trainband in the town of Pomfrett aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Noah Sabin of Pomfrett to be Ensign of the company or trainband in the town of Pomfrett aforesaid, and order that he be commissioned accordingly.

Ordered by this Assembly, That the inhabitants of the north society in the town of Lebanon send their lists of polls and rateable estates to the Secretary on or before the tenth day of January next: on their neglect, to be doom'd by the Assembly in May next.

This Assembly grants liberty to the inhabitants of the north society in the town of Groton to imbody into church estate, they first obtaining the consent of their neighbouring churches.

An Act for levying a Tax.

This Assembly grants a rate of two pence on the pound on all the polls and rateable estate in this government, to be paid into the treasury in the bills of credit of this Colony with the usual advance of twelve pence on the pound, or in the good bills of credit of four signers of the Massachusetts Bay, or in the bills of credit of New York, without advance on them, or in silver money as it passeth in the country.

This Assembly grants liberty to the inhabitants in the south society in Lebanon to call and settle an orthodox minister, first obtaining the approbation of the neighbouring churches; and that the society be called by the name of Goshan.*

[701] The Gentlemen nominated to stand for Election in May next, sent in to this Assembly by the Freemen of this Colony, are as followeth, viz:

The Hon^ble^ Joseph Talcott, Esq^r^, the Hon^ble^ Jonathan Law, Esq^r^, John Hamlin, Esq^r^, Samuel Eells, Esq^r^, Mathew Allyn, Esq^r^, Roger Wolcott, Esq^r^, James Wadsworth, Esq^r^, John Hall, Esq^r^, John Hooker, Esq^r^, Nath. Stanly, Esq^r^, Joseph Whiting, Esq^r^, Ozias Pitkin, Esq^r^, Timothy Pierce, Esq^r^, John Burr, Esq^r^, Mr. Edmund Lewiss, Mr. Samuel Lines, Capt. Samuel Mather, Mr. Thomas Kimberly, Capt. Thomas Seymor, Capt. Roger Newton.

Ordered by this Assembly, That a message be sent to the Treasurer of this Colony, directing him to give his attendance at this Assembly as early as he can the next week, and that he bring with him such bills of credit as he hath in the treasury that are fit to be emitted, to defray the necessary charge of the government.

The Lists of the several Towns sent to this Assembly from the several Towns of this Government.

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Hartford,	27618	9	6	New Haven,	36053	14	2
Fairfield,	28764	12	10	New London,	19022	17	6
Windham,	12420	4	9	Windsor,	23040	9	0
Danbury,	8051	5	0	Wallingsford,	20063	9	4
West Haddam,	5811	5	5	East Haddam,	9443	16	5
Stratford,	25312	19	9	Norwalk,	18927	12	10
Stanford,	17543	14	11	Symsbury,	9007	9	0
Hebron,	6752	16	0	Stonington,	18445	17	9
Pomfrett,	7004	10	0	Waterbury,	4879	15	0
Glassenbury,	6640	9	3	Guilford,	21148	2	11
Midletown,	21403	16	0	Killingsworth,	7570	12	0
New Milford,	3938	11	2	Norwich,	25152	9	10

* This is the spelling in the record, in the original bill, and in the petition of the agents of the society. *Ecclesiastical*, IV. 46.

Farmington,	19161	0	0	Seybrook,	13426	8	8
Milford,	22815	11	4	Lyme,	14533	18	3
Kellingly,	7500	18	3	Groton,	13356	13	0
Canterbury,	6856	14	6	Plainfield,	6598	2	0
Wethersfield,	19535	1	1	Preston,	10862	14	0
Woodbury,	8229	4	0	Colchester,	11556	4	0
Lebanon,	15482	14	6	Durham,	7213	18	10
Derby,	5834	10	9	Coventry,	6041	9	0
Branford,	13557	4	3	Greenwich,	11582	0	0
Mansfield,	5826	0	0	Ashford,	4615	10	0

[702] Whereas his Honr the Governour having laid before this Assembly the state of our affairs in Great Britain committed to our agents there, upon which sundry persons of either House of this Assembly were appointed to consider and lay before this Assembly their opinion upon said affairs, who, having attended said service, reported as followeth, viz:

That his Honour the Governour be desired to write to our agents, Mr. Dummer and Mr. Belcher, that we are unwilling to surrender our charter, for we account it the choicest part of our inheritance, and shall not upon any terms be perswaded to part with the same; therefore, will avoid all occasion of hazarding of it. Particularly, we are greatly concerned respecting the conduct of the Assembly of the Massachusetts, fearing it will have an ill influence upon our affairs if that should be bro't into Parliament. Therefore, that the agents be directed to use their utmost caution, that we be not, in the least measure, involved with the Massachusets, when that matter cometh into the Parliament.

And if our agents, upon mature consideration, shall think our charter is in danger by going into the Parliament, then the matter to be stopped for the present, and until further order from this Assembly.

But if our agents shall be of opinion, that we may with safety pray the Parliament to confirm our ancient law, that then the same be asked for: or if it may be thought that the Parliament will easier be induced to enact that the descent of our lands shall be only to the sons, to the eldest a double portion, and to the younger single shares, then that the same be desired.

And if nothing further can be gained than a confirmation of what our probates have already done, that the same be only prayed for; all which we think must be left to the fidelity and prudence of our agents.

But, forasmuch as Mr. Belcher hath manifested his desire to return to his family, and most likely that our business will

be finished in the insuing winter, that Mr. Belcher be informed that the Assembly don't insist upon his tarrying longer (at the court of Great Britain) than till the spring of the year; that then said Belcher take the first opportunity to return; provided Mr Dummer's health continue.——Which report is approved by this Assembly.

This Assembly do establish and confirm Mr. John Elseworth of Windsor to be Captain of the north company or trainband on the east side of Connecticutt river in the town of Windsor aforesaid, and order that he be commissioned accordingly.

Upon the memorial of the selectmen of New Haven, shewing to this Assembly that at the proclamation, 1727, [703] ‖ there was expended out of their town stock ninety-two pounds of powder more than the major accounted for: Granted, that they be allowed three shillings per pound for the same out of the publick treasury.

Upon the memorial of John Bulkley and Nathaniel Foot, in behalf of the town of Colchester, this Assembly in May last appointed James Wadsworth, John Hall, Esq^{rs}, and Mr. Edmund Lewiss, to enquire into the circumstances of a certain parcel of land claimed by said Colchester to be in their bounds, &c., and to report to this Assembly at this time their opinion upon the premises, which being now done: This Assembly do thereupon allow of and confirm the bounds of Colchester to extend westward of Twenty Mile river, even unto the east bounds of Midletown.

Upon the memorial of the inhabitants and proprietors of the town of Voluntown, praying this Assembly that they may have some allowance made to them for their lands, which the late line settled betwixt this Colony and the Colony of Rhode Island hath taken from them: The question was put, whether any thing should be granted upon the prayer of the memorialist: Past in the affirmative, viz: that those persons that have had all or any part of their lands taken off by said line shall be repaid out of the publick treasury, according to that proportion which was by them paid for the purchase thereof; and that the persons which were the purchasers, be directed to bring their deeds of quit claim to the Assembly in May next, that so proper measures may be taken for the payment of the money as aforesaid.

Upon the petition of Isaac Demedina *v.* James Poisson: This Assembly observing that the verdict of the jury hath found in favour of the plaintiff the forfeiture of the bond; and the other particulars in the verdict being only surplusage, the

case lyes fair for the court to go on to the chancering of the bond: It is resolved, that the petition be dismist, and that the petitionee shall recover of the petitioner his cost, allowed to be £ .

On the petition of William Whitmore, *v.* the town of Midletown: The question was put, whether any thing should be granted thereon: Resolved by this Assembly in the negative. *Cost allowed respond*^{t} 17*s.* 8*d.*

Upon consideration of the petition of Jonathan Butler and Eliz^{a}, his wife, of Hartford, administrators on the estate of Jonathan Easton, late of said Hartford deceased, *v.* John Beauchamp of said Hartford: The question was put, whether the pleas offered in abatement of said petition are sufficient: Resolved by this Assembly in the affirmative. *Cost allowed respondent* £1 4*s.* 8*d.*

Upon the petition of Samuel Couch of Fairfield *v.* John Gregory and the rest of the proprietors of the town of Dan-
[704] bury: The question ‖ was put, whether the pleas offered in bar of said petition are sufficient: Resolved by this Assembly in the affirmative.

Upon the petition of John George Gurlinhausen, resident in Wallingsford, *v.* Cornelius Kirstead, late of New York, now of New Haven: The question was put, whether the pleas offered in abatement of said petition be sufficient: Resolved by this Assembly in the affirmative. *Cost allow'd respondent* £0 14*s.*

Upon the petition of Josiah De Wolph of Lyme, *v.* Richard Ely as attourney to one Edward Jarrald, complaining of a judgment of the superiour court held at New London in September last, given against the petitioner and in favour of said Jarrald: This Assembly, having considered the same with the arguments of the parties thereon, do grant the petitioner one more tryal of the action (referred to) in the superiour court to be holden at New London in March next, and that the whole cost shall follow the final judgment, and that the petitioner be not allowed any cost on this petition.

Upon the memorial of the inhabitants of the north part of the north society in Seybrook, called Patacunk: This Assembly upon their prayer, contained in said memorial, grants them liberty to hire some orthodox minister and set up the publick worship of God amongst themselves in the months of December, January, February and March, annually, for four years, at their own cost, without being exempted from any of the society charges where they belong.

Upon the memorial of the people called Baptists, praying that they may be discharged from the payment of rates and taxes for the support of the gospel ministry in this government and for building meeting houses,

It is resolved by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future the same privilege and exemption from the charges aforesaid, as was granted by this Assembly in May last unto the people called Quakers, is hereby allowed unto them, under the like regulations; any law, usage or custom to the contrary notwithstanding.

The memorial of the proprietors of the upland lots on the east side of the great river in Hartford, with the report concerning the same, is referred to a further consideration by this Assembly at their sessions in May next.

An Act in Addition to an Act entituled An Act for the Encouragement of the Post Office.

This Assembly observing that the privileges of ferries are a [705] growing and profitable estate || to the owners of them, and not ordered to be taxed in the publick lists of estates, the fare of which is also within the regulation of this Court, and that by a late act of Parliament* the riding posts appointed by the post masters are ordered a free passage over all the ferries in the plantations, and the several ferrymen obliged to give due attendance upon them without any demand upon them for their ferriage, on the penalty of five pounds,

Be it enacted and ordained by the Governour, Council and Representatives, in General Court assembled, That after the first of January next ensuing, that the Hon^ble^ the Governour, Deputy Governour, Assistants and Representatives, for the time being, also the judges of the superiour, and judges and justices of the inferiour courts, when and so often as they shall have occasion to pass and repass over the said ferries, or any of them, upon the publick business of the Colony; also all posts and other persons that shall have occasion on publick service, whose ferriage fare has been wont to be paid out of the publick treasury, shall after the first of January aforesaid pass and repass ferriage free, as aforesaid; and no bills drawn on the treasury shall be paid by the treasurer, nor allowed by the auditors, nor signed by any assistant or justice of the peace, for any of the ferriages abovementioned; any law, usage or custom to the contrary notwithstanding.

Upon the memorial of the inhabitants of the southwest or third society in Colchester, praying to be imbodied in church

* 9 Annæ, cap. x., 29.

estate, and to call and settle an orthodox minister, and also to lay a tax on all the unimproved lands in said parish, &c.: Resolved by this Assembly, that they have liberty to call, settle and ordain an orthodox minister, with the advice and consent of the neighbouring elders; and also the unimproved lands of resident and non resident proprietors lying within said parish shall be taxed at one penny per acre annually during the term of four years, to the defraying of ministerial charges in said parish; and that the collectors thereof shall have full power to gather the tax so granted on said lands, as by law they have to collect any other society taxes.

This Assembly do establish and confirm Mr. George Clark of Milford to be Lieutenant of the western company or train-band in the town of Milford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathan Baldwin of Milford to be Ensign of the western company or train-band in the town of Milford aforesaid, and order that he be commissioned accordingly.

Upon the memorial of the inhabitants of Wellington, praying that one mile in breadth of the town of Ashford next Wel-
[706] lington may be annexed to the town of Wellington: || It is resolved by this Assembly, that all the land in the said mile in breadth on the west side of Ashford next Wellington, and the inhabitants that now do or hereafter shall dwell on the same, shall be put into the list of Wellington and pay all town and country rates there, as the lands and inhabitants of Wellington do; and accordingly they are to give in their lists of their polls and rateable estates to the listers of Wellington. Also, the inhabitants dwelling on said mile in breadth are annext to the town of Wellington in respect to their military affairs and musters, as also to their mending and repairing highways; and the said inhabitants are allowed to vote with the inhabitants of Wellington in the choice of military officers, listers and surveyours of ways, all town affairs, any law, usage or custom to the contrary whatsoever notwithstanding. And that all persons dwelling on said mile in breadth that shall become town poor shall be supported out of the treasury of the town of Wellington. And the surveyour of ways in Wellington shall take care of the reparation of all highways in said mile in breadth.

Upon the memorial of Thomas Benidict, constable of the town of Danbury, shewing to this Assembly that he was chosen to that office by said town, to gather the country rates that was granted to be raised in the year 1728; that at that time

sundry of the inhabitants of the parish now called Reading were peculiar to the said town of Danbury, and had given in their lists to listers of said town, amounting to about £577; that this Assembly in May last did grant to the said inhabitants with their associates, to be a distinct society, and exempted them from paying country rates for the term of four years; that the said inhabitants so listed in said Danbury, supposing the exemption aforesaid extended not only to the country taxes that should arise on their list for the four years then next ensuing but to the tax aforesaid raised on their said list for the year 1728, and so dispute the payment thereof; and the memorialist moved for the direction of this Assembly on the premises: It is thereupon resolved by this Assembly, that it is the duty of the said constable, and he has full power, to levy and collect of the inhabitants of Reading aforesaid the rate aforesaid; any exemption referred to notwithstanding.

Upon the petition of William Wanton, of Newport, against John Arnold, late of Haddam West now of Midletown, shewing that the said Wanton bro't his action of book debt against [707] said Arnold, on which was final judgment given by ‖ the superiour court at Hartford in March last, and praying for a rehearing on the said case before the superiour court in March next, for the reasons assigned: This Assembly grants to the petitioner William Wanton a rehearing of his said case as prayed for, and that the former cost follow the said tryal.

An Act for Regulating the Admission of Freemen, and to prevent any Persons that are not free of this Corporation from giving their Suffrage in any Freemen's Meeting.

Forasmuch as it is provided by one law of this Colony, entituled An Act relating to freemen, that the names of all such persons as are admitted and made free of this corporation shall be enrolled in the secretaries office, which now, by reason of the great distance of some towns, is very difficult to be done,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the town clerks in the several towns in this Colony shall enroll in their office the names of all such persons in their respective towns as are already admitted freemen of this corporation; such enrollment to be made in the open freemen's meeting legally assembled, by the direction of the authority and selectmen of the town.

And it is further enacted, That no person or persons shall hereafter be admitted and made free of this corporation, but in the open freemen's meeting of the town whereunto he be-

longs, regularly assembled. And all such persons as are in such meeting lawfully admitted and sworn freemen, shall have their names enrolled with the town clerk; any law, usage or custom to the contrary notwithstanding.

An Act directing how Fines and Forfeitures recovered before any one Assistant or Justice of the Peace shall be disposed of.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all fines and forfeitures that shall be recovered by judgment before any one assistant or justice of the peace shall belong to the treasury of the town where such judgment is given. And it shall be the duty of the treasurer of such town, to apply himself to such assistant or justice of the peace, at least within one year after such judgment is given, for an account of all such fines and forfeitures, and receive the same for the use of such town; any former law, usage or custom to the contrary notwithstanding.

On the prayer of the Reverend Mr. Timothy Woodbridge, jun^{r}, in behalf of his ward Dudly Woodbridge, only son and heir of the Reverend Mr. Dudly Woodbridge of Symsbury deceased, shewing that this Assembly did, May 12th, 1698, grant unto the said Mr. Dudly Woodbridge deceased, two hundred [708] acres || of country land, which has been formerly laid out near the point where the townships of Symsbury, Farmington and Windsor meet, by which means the said Dudly Woodbridge, son and heir of the said Dudly Woodbridge deceased, was defeated thereof, desiring the Assembly to renew the said grant and order that it be laid out in the country lands on the west side Owsatunnuck river: This Assembly give liberty to Dudly Woodbridge, son and heir of said Mr. Dudly Woodbridge deceased, to lay out two hundred acres of land in the undivided lands of this Colony on the west side of Ousetunnuck river, in suitable form, and so as not to prejudice any former grants of this Assembly; and also give the said Dudley Woodbridge full power to record the said two hundred acres of land in the publick records of this Colony.

An Act for Emitting Bills of Credit.

It is ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority aforesaid, That there be forthwith emitted a certain number of bills of credit on this Colony, in suitable sums from two shillings to five pounds, which in the whole shall amount to the sum of two thousand pounds and no more; which sum is and shall be a part of the bills of credit of this Colony now in the treasurer's hands for the exchange of the bills of this

Colony of the first impression. And the said treasurer is accordingly hereby impowred and ordered to issue forth and emit the same, towards the payment of the publick debts of this Colony and the further necessary charges thereof, attending such orders as shall be given him from time to time, according to law.

And it is further enacted by the authority aforesaid, That, as a fund and security for the repayment and drawing in the said sum of two thousand pounds into the treasury, this Assembly grants a tax or rate of two thousand one hundred pounds, to be levyed upon polls and all the rateable estate within this Colony, and to be paid into the treasury at or before the last day of August which will be in the year of our Lord one thousand seven hundred and thirty-six; which said rate shall be paid in bills of credit of this Colony, or in money as it passeth generally current in the country at the time of payment, and in no other manner.

Upon the memorial of Samuel Selden, consideration being had of one act of this Assembly holden in Hartford May, 1724, this Assembly ordered a society within the north bounds of Lyme including Sam[ll] Selden and farm whereon he liveth [709] within the bounds of the north society in Lyme: || It is resolved by this Assembly, that said Selden cannot take benefit by a former act of May, 1703, but does now properly belong to said north society in Lyme, and ought there to pay ministerial and parish charges.

An Act in Explanation of an Act passd in this Assembly May 13th, 1708, granting the Townships of Kellingly.

Whereas the said act granting said township describes the bounds of said township to be, northerly on the line of the Massachusetts, south on Plainfield bounds settled May 11th, 1699, east on Rhode Island, and west on Ashawaug; and it is expressly said that the township being by estimation eight or nine miles in length: And whereas upon settling the line of the Massachusetts with this Colony by agreement, about ten years after the said grant to Kellingly, the said line is now run and ascertained about eight or ten miles north of their ancient claimed and reputed line, and above eighteen miles north of the said north bounds of Plainfield; and hence may contentions and troubles arise upon this question, whether the said grant to Kellingly shall be construed to extend to the Massachusetts line, as it is now settled, or only to the ancient claimed and reputed bounds of the Massachusetts at the south bounds of Woodstock, which is called Woodwards and Sefferys Line, which contentions to prevent: This Assembly have con-

sidered that, whereas the line of the Massachusetts, as it is now settled by agreement, was not known nor agreed to be the line till about ten years after the said grant to Kellingly, and instead of being eight or nine, is about eighteen or nineteen miles north of the said north bounds of Plainfield; and that at the time of the said grant to Kellingly, and long before, the Massachusetts had claimed their bounds upon Connecticutt to be a line on the south bounds of Woodstock, called Woodward and Saffery's Line, and had then settled the town of Woodstock on that line, which town of Woodstock was then under the government of the Massachusetts and accounted to be within the same; and that the mensuration of eight or nine miles from the north bounds of Plainfield will well correspond with the said ancient claimed and reputed line of the Massachusetts, at the south bounds of Woodstock: whereas to measure to the line since settled by agreement is twice as far: It is therefore hereupon considered, resolved and declared by this General Assembly, that the Massachusetts line mentioned in the said grant of Kellingly is no other but the ancient claimed and reputed line of the Massachusetts, called Woodward and Saffery's Line, which is at the south bounds of Woodstock; and that the same is always hereafter so to be understood and construed.

This Assembly do establish and confirm Mr. John Frink of Stonington to be Lieutenant of the third company or trainband in the town of Stonington, and order that he be commissioned accordingly.

[710] This Assembly do establish and confirm Mr. Joshua Holmes of Stonington to be Ensign of the third company or trainband in the town of Stonington aforesaid, and order that he be commissioned accordingly.

On the memorial of James Ensign of Hartford, one of the Representatives of this Assembly, shewing that he being by the providence of God fallen sick, and hath been so ever since the beginning of the session of this Assembly: Granted to the memorialist three pounds out of the publick treasury, to defray the charge of his doctor and some part of his other necessary charges.

An Act for Altering the Day appointed by Law for the Freemen in the County of Hartford and Windham to meet to give in their Votes for the Nomination of Publick Officers.

It is ordered by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future the time for the freemen in the county of Hartford to meet in September shall be the third Tuesday;

and the time for the freemen in the county of Windham to meet in September shall be the second Tuesday; and the time for said freemen in the county of Windham to meet in April shall be the last Tuesday; any law to the contrary notwithstanding.

Upon the memorial of Joseph Thompson, Esq^{r}: It is resolved by this Assembly, that his Honour the Governour execute a patent to the memorialist of two thousand acres of land surveyed on the east side of Quinabaug by Josiah Conant, as by his report laid before this Assembly, dated Novemb^{r} 10th, 1727, saving only three hundred and seventy acres that is found to be within said survey taken up by persons that have had grants thereof from this Assembly; and that the memorialist be allowed to lay out three hundred and seventy acres, as an equivalent, in the lands reserved for that purpose by the act of this Assembly in May, 1728, on the east side of Woodstock.

Whereas on the settlement of the divident line between the Province of New York and this Colony, the inhabitants of a slip of land lying between the ancient township of Greenwich and the said line did take encouragement from some of the commissioners, that they should not be obliged to comply with an act of this Court annexing them to the township of Greenwich and parish of Horse Neck till the divident line was run and ascertained thrôout: This Assembly, taking notice that that matter is delayed far beyond the reasonable expectations [711] of that day, || and inconveniences do and may arise by delaying their conformity to the said act of this Court: It is now resolved by this Assembly, that the inhabitants on the said slip of land do, after the sessions of this Assembly, forthwith conform themselves thereunto.

This Assembly grants to his Honour the Governour the sum of two hundred and fifty pounds in bills of credit, to be paid out of the publick treasury for his salary this current year.

This Assembly grants to his Honour the Deputy Governour the sum of one hundred pounds in bills of credit, to be paid out of the publick treasury for his salary this current year.

This Assembly grants to Mr. Secretary Wyllys the sum of eight pounds for his salary this current year.

This Assembly grants to Mr. Timothy Green, printer, the sum of twenty five pounds for his half years salary, to be paid in bills of publick credit out of the treasury.

Resolved by this Assembly, That the memorial signed Robert Royce, &c. be referred to this Assembly in May next, and that the town of Midletown be notified thereof, that they may appear and object, if they see cause, and shew their reasons why the prayer of the said memorial be not granted.

Upon the memorial of Andrew Ward and Caleb Leet of Guilford, in behalf of themselves and others of the first society in said town, shewing the lamentable and divided circumstances of the inhabitants of said society: This Assembly, being very desirous to put an end to said divisions and settle peace among said inhabitants, that they might still continue one society, do therefore desire the reverend ministers of the gospel, viz. Mr. Timothy Woodbridge, Mr. Thomas Buckingham, Mr. Stephen Mecks, Mr. Sam[ll] Whitman, Mr. Eliphalet Addams, Mr. Jonathan Marsh, and Mr. William Russell, to repair to the said Guilford, and to endeavour by all proper means to put an end to the divisions and contentions in said society, by uniting the spirits of those good people that now differ, that thereby the interest of religion may yet flourish and be revived in said society, which justly may be hoped will be the happy effects of peace. And the said reverend ministers (provided they cannot gain an agreement among said inhabitants) are directed to report their opinion respecting said society to this Assembly in May next.

[712] Mr. Timothy Green having printed an index of the laws of this Colony and presented the same to this Assembly, and proposed to this Assembly that he will supply this government with four hundred copies of said index for twenty pounds: This Assembly have considered the said proposal, and it is resolved, that if the said Timothy Green shall deliver to the Secretary four hundred copies of said index for the use of this Colony, he shall be paid therefor out of the publick treasury the sum of twenty pounds.

Whereas the Hon[ble] the Governour has communicated to this Court an act of the Parliament of Great Britain,* transmitted to him from our Agent, Jeremiah Dummer, Esq[r], made for the plantations, a part whereof concerns this government, and is as followeth, viz: *Anno secundo Georgii 2[di] Regis.* An Act for better regulation of his Majesties woods in America, and for the encouragement of the importation of naval stores from thence, and to encourage the importation of masts, yards and bowsprits from that part of Great Britain called Scotland.—By the King's most Excellent Majesty, Be it enacted by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parlia-

* 2 Georgii ii. cap. xxxv.

ment assembled, and by the authority of the same, That from and after the 29th day of September next, no person or persons within the Colony of Connecticutt, &c., do, or shall presume to cut, fell or destroy any white pine trees, except only such as are the property of private persons, notwithstanding the said trees do grow within the limits of any township laid out, or to be laid out hereafter, in the said Colony, without his Majesties royal lycence for so doing first had and obtained. And those who shall be aiding or assisting therein, or in drawing away the said pine trees after the same shall be cut and fell, shall be all subject to the like penalties and forfeitures as are provided in an act in the eighth year of his late Majesty, entituled An Act giving further encouragement for the importation of naval stores, and for other purposes therein mentioned.

Which act of Parliament all courts, judges and justices in this Colony are by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, directed to observe and execute as the law of this Colony; and all persons are required to conform themselves thereunto, on the pains and penalties above referred to; which penalties are as followeth, viz: for every white pine tree of the growth of twelve inches diameter and under, the sum of five pounds; those from twelve inches diameter to eighteen inches diameter, ten pounds; those from eighteen to twenty-four inches, twenty pounds; and those from twenty-four inches diameter and upwards, the sum of fifty pounds.

[718] This Assembly having received a bond of Mr. Jonathan [Arnold] of New Haven, clerk, for the sum of three hundred pounds, conditioned for [the] payment of one hundred and sixty pounds to the treasurer of this Colony in May next, it being in part for a larger sum due from Mr. John [Trow]-bridge to this Colony, do thereupon discharge the said Trowbridge from [so] much due as aforesaid. Which bond is ordered to be lodged in the [hands of] Nathan[ll] Stanly, Esq[r], till further order from this Assembly.

Upon the petition of John Hall, Esq[r], Sam[ll] Hall and [Gideon] Ives, agents for the town of Wallingford, *v.* the town of M[idletown,] the question was put, whether the pleas offered in bar of the [petition] be sufficient: Resolved by this Assembly in the affirmative.

The acts of the Assembly, as they stand recorded in [the] preceding pages, was read in the presence of this Assembly, and ordered to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Secret[y].

This Court is adjourn'd until the Governour, [or in] his absence the Deputy Governour, shall see cause [to call] them to meet again.

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[717] *CONNECTICUTT COLONY.*

At a General Assembly holden at Hartford in his Majesties Colony of Connecticutt, in New England, on the 14th day of May, in the third year of the reign of our Sovereign Lord George the second, of Great Britain, &c[a]. King, annoque Dom. 1730.

Present at this Assembly,

The Honourable Joseph Talcott, Esq[r]., Governour.
The Honourable Jonathan Law, Esq[r], Dep[t] Governour.

Samuel Eells, Esq[r],	Nath[ll] Stanly, Esq[r],	*Assistants.*
Mathew Allyn, Esq[r],	Joseph Whiting, Esq[r],	
Roger Wolcott, Esq[r],	Ozias Pitkin, Esq[r],	
James Wadsworth, Esq[r],	John Burr, Esq[r],	
John Hooker, Esq[r],	Samuel Lynde, Esq[r],	
	Edmund Lewis, Esq[r],	

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz:

[Mr.] William Pitkin, [Capt.] John Marsh, for Hartford.
[Capt.] Jonath[n] Alling, [Capt.] Isaac Dickerman, for New Haven.
[Capt.] John Fitch, [Mr.] Richard Abbee, for Windham.
[Mr.] John Crery, [Mr.] Thomas Stephens, for Plainfield.
[Mr.] Joseph Witter, [Mr. Jo]s. Billings, for Preston.
[Mr.] Eben[z] West, [Capt.] Will[m] Throop, for Lebanon.
[Mr.] John Grigory, [Mr.] Thos. Benedict, for Danbury.
[Mr] Giles Hall, [Mr. Jn°] Andrews, for Midletown.
[Mr.] Jn° Bulkley, [Mr. Eph.] Wells, for Colchester.
[Mr.] John Noyes, [Mr. Theo.] Baldwin, for Stonington.
[Capt. Cal]eb Cone, West } Haddam.
[Capt. Thomas] Gates, East }
[Mr. Jos.] Wilcox, [Mr. Jona]th[n] Lane, for Killingsworth.
[Mr. Anthony] Judd, [Mr. Dan[ll] Wadsworth,] for Farmington.
Mr. Rich[d] Christophers, Mr. John Richards, for Newlondon.
Mr. Sam[ll] Burr, Mr. Thad. Burr, for Fairfield.
Mr. Joseph Backus, Capt. Benajah Bushnell, for Norwich.
Capt. Thomas Huntington, Capt. Thomas Storrs, for Mansfield.

Capt. Henry Crane, Mr. Nath[ll] Sutliff, for Durham.
Maj[r] John Sabin, Mr. Jonath[n] Dresler, for Pomfrett.
Capt. Sam[ll] Mather, Capt. Tho[s] Moor, for Windsor.
Mr. Samuel Hall, Mr. Gideon Ives, for Wallinford.
Capt. Tho[s] Wells, Mr. David Hubbard, for Glassenbury.
Capt. John Lyon, Capt. James Reignolds, for Greenwich.
Mr. Samuel Hull, for Derby.
Mr. Benj[a] Skinner, Mr. Sam[ll] Palmer, for Hebron.
Capt. Joseph Minor, Capt. Will[m] Preston, for Woodbury.
[719] Mr. Samuel Lynde, Mr. Samuel Willard, for Saybrook.
Mr. Elisha Paine, Mr. Solomon Tracy, for Canterbury.
Mr. Tho[s] Fitch, Mr. Jos. Burchard, for Norwalk.
Mr. Will[m] Judd, Capt. W[m] Hickcox, for Waterbury.
Mr. Jos. Levins, Mr. Symon Bryan, for Kellingley.
Mr. Edm[d] Lewis, Capt. John Wells, for Stratford.
Mr. Rich[d] Lord, Mr. John Lee, for Lyme.
Mr. Samuel Hill, Mr. Benj[a] Hand, for Guilford.
Col[o] David Goodrich, Mr. John Curtiss, for Weathersfield.
Mr. Joseph Strong, Mr. Peter Buell, for Coventry.
Capt. Roger Newton, Mr. Nathan Baldwin, for Milford.
Capt. John Russell, Capt. Sam[ll] Maltbie, for Branford.
Mr. Joseph Case, Mr. John Higley, for Simsbury.
Mr. Daniel Eldridge, Mr. Benadam Gallopp, for Groton.

Capt. Roger Newton, Speaker, } of the House of Repre-
Capt. John Russell, Clerk, } sentatives.

This day being appointed by charter and the laws of the Colony for the election of the publick officers of this corporation, (viz:) the Governour, Deputy Governour, Assistants, and Treasurer and Secretary,—proclamation being made, the freemen proceeded to give [in their] votes to persons chosen by the Governour, Council and Representatives, to receive, sort and count them.

The persons so chosen and appointed were, James Wadsworth, Esq[r], John Hooker, Esq[r], Joseph Whiting, Esq[r], Ozias Pitkin, Esq[r], John [Burr, Esq[r],] Nathaniel Stanly, Esq[r], Mr. William Pitkin, Col[o] David Goodrich, [Capt. John] Russell, Mr. Samuel Hill, Mr. Richard Christophers, Mr. John Rich[ards, Mr.] Thomas Fitch, Mr. Samuel Burr, Mr. Richard Abbee, and Mr. [Ebenezer] West. And the freemen's votes being brought in, sorted and counted,

The Honourable Joseph Talcott, Esq[r], was chosen [Governour] of this Colony for the year ensuing. The Governour's oath [and the oath] required by acts of Parliament relating to trade and n[avigation] were administred to him in the presence of this Assembly.

The Honourable Jonathan Law, Esq^{r}, was chosen D[eputy Governour] for the year ensuing, and the Deputy Governour's oath was adm[inistred to] him in the presence of this Assembly.

Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Roger Wolcott, [Esq^{r}, James] Wadsworth, Esq^{r}, John Hooker, Esq^{r}, Nathaniel Stanly, Esq^{r}, Joseph [Whiting, Esq^{r},] Ozias Pitkin, Esq^{r}, Timothy Pierce, Esq^{r}, John Burr, Esq^{r}, Samuel [Lynde, Esq^{r},] Edmund Lewis, Esq^{r}, were chosen Assistants for the year ensuing.

Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Roger Wolcott, Esq^{r}, [James] Wadsworth, Esq^{r}, John Hooker, Esq^{r}, Nathaniel Stanly, Esq^{r}, Joseph [Whiting, Esq^{r},] Ozias Pitkin, Esq^{r}, John Burr, Esq^{r}, and Samuel Lynde, Esq^{r}, had [the Assistant's] oath administred to them in the presence of this Assembly.

Mr. John Whiting was chosen Treasurer [of this Colony for the] year ensuing, and had the [Treasurer's] oath administred [to him in the presence of this Assembly.]

[720] Capt. Hez. Wyllys was chosen Secretary of this Colony for the year ensuing, and accordingly sworn to that office and trust in the presence of this Assembly.

Ordered by this Assembly, That John Hamlin and James Wadsworth, Esq^{rs}, return the thanks of this Assembly to the Reverend Mr. William Russell, for his sermon delivered before the Assembly on the 14th instant, and desire him to grant a copy, that it may be printed.

This Assembly do appoint the Honourable Jonathan Law, Esq^{r}, to be Chief Judge of the Superiour Court for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, James Wadsworth, Esq^{r}, and John Hooker, Esq^{r}, to be Assistant Judges of the Superiour Court for the year ensuing.

This Assembly do appoint Roger Wolcott, Esq^{r}, to be Judge of the County Court in and for the county of Hartford for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^{r}, to be Judge of the County Court in and for the county of Newhaven for the year ensuing.

This Assembly do appoint Samuel Lynde, Esq^{r}, to be Judge of the County Court in and for the county of Newlondon for for the year ensuing.

This Assembly do appoint John Burr, Esq^{r}, to [be] Judge of the County Court in and for the county of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^{r}, to be Judge of the County Court in and for the county of Windham for the year ensuing.

This Assembly do appoint the Honourable Joseph Talcott, Esq^{r}, to be Judge of the Court of Probate in the county of Hartford for the year ensuing.

This Assembly do appoint Joseph Whiting, Esq^{r}, to be Judge of the [Court of] Probate in the district of Newhaven for the year ensuing.

This Assembly do appoint Mr. John Plumb to be Judge of the [Court of] Probate in the district of Newlondon for the year ensuing.

This Assembly do appoint John Burr, Esq^{r}, to be Judge of the Court [of Probate] in the district of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^{r}, to be Judge of the [Court of] Probate in the district of Windham for the year ensuing.

This Assembly do appoint Mr. James Hooker to be Judge of the [Court of] Probate in the district of Guilford for the year ensuing.

This Assembly do appoint Capt. Joseph Minor to be Judge of the [Court of] Probate in the district of Woodbury for the year ensuing.

This Assembly do appoint Capt. Jonathan Hoyt to be Judge of the [Court of] Probate in the district of Stanford for the year ensuing.

This Assembly do appoint Mr. Samuel Lynde and Mr. Edmund [Lewis,] Esq^{rs}, Capt. Thomas Wells, Mr. Thaddeus Burr, Mr. John Richards, Capt. [Benajah] Bushnell, to audit the Colony accounts with the Treasurer.

This Assembly do appoint Mr. Jonathan Burnham to be [Land] Surveyour for the county of Hartford.

This Assembly do establish and confirm Mr. John Webster [of Farmington] to be Captain of the company or trainband at the [parish of Southington] in the township aforesaid, and order that he be [commissioned accordingly.]

[721] This Assembly do establish and confirm Mr. [Daniel Wood]ward of Preston to be Lieutenant of the third company or trainband in the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William [Deni]son of Stoningtown to be Captain of the second com-

pany or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Theophilus Baldwin of Stoningtown to be Ensign of the second company or trainband in the town of [Stoning]town aforesaid, and order that he be commissioned accordingly.

This Assembly do appoint John Hamlin, Esq^{r}, Capt. Samuel [Ma]ther, Coll. David Goodrich, Capt. William Wadsworth, Capt. William Pitkin, [Capt.] Joshua Robbins, Mr. Michael Taintor, Capt. James Wells, Capt. Hez. Wyllys, [Capt.] Thomas Gates, Capt. John Marsh, Mr. Benjamin Skinner, Mr. Josiah G[oodrich,] Capt. John Bissell, Capt. Giles Hall, Capt. Thomas [Wells,] Capt. John Buell, and Mr. Joseph White, to be Justices of the Peace for the county of Hartford for the year ensuing.

This Assembly do appoint John Hamlin, Esq^{r}, Capt. Samuel [Ma]ther, Coll. David Goodrich, Capt. William Wadsworth and Capt. William Pitkin, to be of the Quorum in the county of Hartford for the year ensuing.

This Assembly do appoint Mr. Samuel Bishop, Mr. [James Hooker,] Capt. John Riggs, Capt. Roger Newton, Mr. Wareham Mather, Capt. Tho. [Judd, Capt.] Janna Meiggs, Mr. Samuel Brunson, Capt. Theophilus Yale, Capt. Samuel [Gunn, Capt.] Henry Crane, Capt. John Russell, Capt. Joseph Hull, Mr. Samuel Hall, and [Capt. John] Hotchkiss, to be Justices of the Peace in the county of Newhaven for the year [ensuing.]

This Assembly do appoint Mr. Samuel Bishop, Mr. [James Hooker,] Capt. John Riggs, and Capt. Roger Newton, to be of the Quorum in [the county of] Newhaven for the year ensuing.

This Assembly do appoint Mr. John Plumb, Mr. [Daniel Palmer,] Mr. Joseph Backus, Mr. Abraham Pierson, Mr. John Brown, Mr. Stephen [Whittlesey,] Mr. Thomas Lee, Mr. John Griswould, Mr. Joshua Hempstead, Mr. James [Avery,] Mr. John Cook, Mr. Jabez Hide, Mr. William Hide, jun^{r}, Mr. John [Noyes, and Mr.] James Morgan, to be Justices of the Peace for the county of [New London for the] year ensuing.

This Assembly do appoint Mr. John Plumb, Mr. Daniel [Palmer,] Mr. Joseph Backus, Mr. Abraham Pierson, and Mr. John Brown, [to be of the] Quorum in the county of Newlondon for the year ensuing.

This Assembly do appoint Capt. Joseph Platt, Capt. Moses [Dimon, Capt.] Joseph Minor, Mr. Andrew Burr, Mr. John Thompson, Capt. Samuel [Peck, Mr. Joshua] Knapp, Capt.

Joseph Bishopp, Mr. John Copp, Mr. Thomas Fitch, jun^{r}, [Capt. Samuel] Couch, Mr. John Gold, Mr. Richard Osburn, Mr. John Grigory, Capt. [James Beebe,] Capt. William Preston, Capt. Thomas Bennett, Capt. Thomas Tousey, [Capt. Jonathan] Hoyt, to be Justices of the Peace in the county of Fairfield for [the year ensuing.]

This Assembly do appoint Capt. Joseph Platt, Capt. Moses [Dimon, Capt.] Joseph Minor, Mr. Andrew Burr, and Mr. John Thompson, to be of [the Quorum in the] county of Fairfield for the year ensuing.

This Assembly do appoint Capt. Thomas Huntington, Mr. [Ebenezer West,] Capt. Joseph Addams, Mr. Richard Abbe, Mr. Joshua Ripley, Mr. [Joseph Strong,] Capt. John Fitch, Mr. John Woodward, Mr. [Joseph Levens, Mr. Peter Buell, [722] and || Major] John Sabin, to be Justices of the Peace in and for the county of Windham for the year ensuing.

This Assembly do appoint Mr. Joshua Ripley, Capt. Thomas Huntington, Mr. Ebenezer West, Capt. Joseph Addams, and Mr. Richard Abbee, to be of the Quorum in the county of Windham for the year ensuing.

This Assembly do establish and confirm Mr. Samuel Woodruff of Farmingtown to be the Ensign of the 2d company or trainband in the town of Farmingtown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Thrall of Windsor to be Lieutenant of the 2d company or trainband in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Peletiah Allyn of Windsor to be Ensign of the 2d company or trainband in the town of Windsor aforesaid, and order that he be commissioned accordingly.

Upon the memorial of the inhabitants in the southern parts [of Woodbury,] praying liberty to be set off and be a distinct society for ecclesiastical [affairs: This] Assembly do appoint Edmund Lewis, Esq^{r}, Capt. John Riggs, and Capt. [Thomas] Tousey, to be a committee, who are directed to repair to said Woodbury and [inquire in]to the circumstances of that town; and if said committee shall think [it proper that] said town be divided into two societies, that they then draw a line [proper for the] same, and make report of their doings to this Assembly in October next.

An Act for the better Regulating and Stating the Fees allowed to the several Constables for their Collecting the Publick Taxes.

[*Be it*] *enacted by the Governour, Council and Representatives, in General Court* [*assembled,*] *and by the authority of the same*, That the several constables in the [respective] towns in this Colony, appointed to collect the present country rate granted in October last, and that shall hereafter be appointed for that service from time [to time,] shall be allowed out of the publick treasury of this Colony, for their [travel to] account with the treasurer, three pence per mile out and in; any law, [usage or] custom to the contrary notwithstanding.

An Act for Enlarging the County of Hartford.

[*Be it*] *enacted by the Governour, Council and Representatives in General* [*Court*] *assembled, and by the authority of the same*, That all that part of the [western] land now belonging to the proprietors of Hartford and Windsor, lying [west of] Farmingtown and Simsbury and east and north of Litchfield, be [annexed] to the county of Hartford; any law, usage or custom, to the [contrary] notwithstanding.

This Assembly do establish and confirm Mr. Nathaniel Peck [to be Captain] of the company or trainband on the east side of Myanos river [in Greenwich,] and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Whiting to [be Captain of the] Troop of Horse in the county of Hartford, and order that he be commissioned.

[723] This Assembly do establish and confirm Mr. [Gideon] Andruss of Newhaven to be Ensign of the first company or train[band in] the town of Newhaven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas [Dyar] of Windham to be Captain of the first company or trainband in the [town] of Windham, and order that he be commissioned accordingly.

This Assembly do appoint, establish and confirm Mr. John Fitch, jun^{r}, of Windham, to be Lieutenant of the first company or trainband in the town of Windham aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Wales, jun^{r}, to be Ensign of the first company or trainband in the town of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel [Com]stock of Norwalk to be Captain of the south company or train-

band in the town of Norwalk aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Ketcham of Norwalk to be Lieutenant of the south company or trainband [in the] town of Norwalk aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan [Smith] of Groton to be Ensign of the first company or trainband in the town of Groton aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Judson of Stratford to be Captain of the north company or trainband in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Wilcoxson to be Lieutenant of the north company or trainband in the town [of Strat]ford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel [Fairchild] of Stratford to be Ensign of the north company or trainband in the [town of] Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Pitkin of Hartford to be Captain of the company or trainband on the east side of Connecticut river in the township of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel [Meakins] of Hartford to be Lieutenant of the company or trainband on the east of [the] river of Connecticutt in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Pitkin of Hartford to be Ensign of the company or trainband on the east side of [the river] of Connecticutt in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph [Crutten]den of Guilford to be Lieutenant of the first company or trainband in the town of Guilford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer [Fowler] of Guilford to be Ensign of the first company or trainband [in the town] of Guilford aforesaid, and order that he be commissioned accordingly.

[724] This Assembly do establish and confirm Mr. Joseph Phelps of [Windsor] to be Lieutenant of the south company or trainband on the east side of Connecticutt river, in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Southworth of Lyme to be Captain of the first company or trainband in the town of Lyme aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Mather of Lyme to be Ensign of the first company or trainband in the town of Lyme aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Bates of Stanford to be Lieutenant of the second company or trainband in the town of Stanford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Knapp of Stanford to be Ensign of the second company or trainband in the town of Stanford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Merriam of Wallingford to be Captain of the company or trainband at the parish of Merridan in the town of Wallinford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ezekiel Royce of Wallingford to be Lieutenant of the company or trainband at the parish of Merridan in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Whiting of Wallingford to be Ensign of the company or trainband at the parish of Merridan in the town of Wallingford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Sampson How to be Captain of the company or trainband at the north society in Killingly in the township of Killingly aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Hezekiah Sabin of Killingly to be Lieutenant of the company or trainband in the north society in the town of Killingly aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Dwight of Killingly to be Ensign of the company or trainband at the

north parish in the town of Killingly aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Hill of Guilford to be Captain of the second company or trainband in the town of Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Bartlett of Guilford to be Lieutenant of the second company or trainband in the town of Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Michael Hill of Guilford to be Ensign of the second company or trainband in the town of Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Smith of Stoningtown to be Lieutenant [of the second company or] trainband in the town of Stoningtown aforesaid, and order that [he be commissioned accordingly.]

[713] Upon the motion of Peter Hubbell of Newtown, representing the great necessity of a ferry across the river running between Newtown and Woodbury: Resolved by this Assembly, that the aforesaid Peter Hubbell have liberty to set up a ferry across the river aforesaid, at a place commonly called Potatuck; and that the fare of said ferry be as followeth, viz: three pence for a single man or single horse, and eight pence for man, horse and load; provided always, that the stating the fare of said ferry remain in this Court, as the law hath already provided concerning all other ferries; and that if the said Peter Hubbell, or any other person who shall hereafter be appointed to keep said ferry, shall demand and receive any more than what is hereby, or for the future shall by this Court be allowed him or them, he or they shall suffer the like penalty as is provided by the laws of this Colony regulating ferries, against such as take and receive more than their allowed fare.

Upon the report of James Wadsworth and John Hooker, Esq^{rs}, and Colonel David Goodrich, (being a committee appointed by this Assembly in May last,) respecting the upland lots on the east side of the great river in Hartford: This Assembly do appoint and fully impower Coll. David Goodrich, Capt. Thomas Wells of Glassenbury, and the surveyour of lands in the county of Hartford, or either of the said gentlemen with the said surveyour, to be a committee to run and mark out the dividing lines between said lots, (parallel to the

line on the north side of Glassenbury as it runs the first three miles from the great river,) from the country road leading from Windsor to Glassenbury, to the eastern end of said lots; the said service to be done upon the charge of such as have the lines of their lots run out by said committee.

This Assembly do establish and confirm Mr. William Avery of Stoningtown to be Lieutenant of the south part of the second company in Stoningtown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Minor of Stoningtown to be Ensign of the south part of the second company or trainband in the town of Stoningtown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Williams of Lebanon to be Ensign of the south company or trainband in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly grants to our Agent, Jeremiah Dummer, Esq^{r}, for his salary, the sum of one hundred pounds in bills of publick credit, and desire his Honour the Governour to receive the same of the Treasurer, and send it to the Agent or his order.

Upon the petition of Benjamin Judd of Farmingtown *versus* John Chester and Martin Kellogg of Weathersfield, complaining of a judgment of the county court in November last in [714] Hartford, || given against said Judd in favour of said Chester and Kellogg, for recovery of £1000 and costs, and praying for another tryal in said case, at the county court to be held in Hartford in November next, for the reasons in the petition assigned: Resolved by this Assembly, that the petitioner be allowed another tryal of said case at the county court in Hartford in November next; (provided he first pay the cost to this time,) and that he be confined to the amendment of his plea in that part thereof wherein he made the mistake, as in his petition he now alledges, (viz:) that the instructions to the arbitrators in reference to their award were to them or any two of them, to which the plaintiffs shall reply.

Upon the memorial of the second parish in the town of New London, shewing that they are under many difficulties, by reason of the crookedness of the line dividing between them and the first society: Resolved, that for the future the line shall be as followeth, (viz:) beginning on the south side of Mr. Condell's farm, and from thence an east and west line throughout shall divide between the parishes aforesaid; and

that Mr. Josiah Conant, surveyour for the county of Windham, with chainmen under oath, shall run said line and make suitable monuments therein; which, when so run, shall be the dividing line between the parishes aforesaid.

And whereas the said memorial further shews, that this Assembly did heretofore grant a tax to be raised on certain lands lying in the said second parish, of one penny per acre for four years next after the said act granting the same, and that the same hath not been collected according to said grant: It is thereupon enacted, that the said parish may and shall proceed to collect and gather such part of said tax as hath not yet been collected, by proper persons by them for the purpose appointed; any limitation supposed to be within the said act notwithstanding.

Upon consideration of the petition of Samuel Morriss, who dwells eastwardly of Woodstock, praying to be exempted from paying rates: Resolved, that for the term of ten years next after the last of May, 1731, the said Samuel Morriss, or his heirs on said farm, shall be exempted from paying any country rates; provided said Samuel Morriss, or his heirs on said farm, during the term as abovesaid, shall keep the bridge in good repair, and also allow a free road thrô his said farm, as set forth in said memorial, and as is now used or shall hereafter be found convenient.

Upon the memorial of Joseph Marsh, John Woodward and Joseph Fowler, all of Lebanon in the county of Windham, agents for said town, shewing to this Assembly that the lands in the said town are holden and claimed under four distinct original purchasers or proprietors, and that they have not as yet had a patent granted by this Assembly to them of the said lands, and praying that they may have a patent granted to them of said lands, (viz:) to the said Marsh, Woodward and [715] Fowler, and others named in ‖ said memorial, and the rest of the proprietors of said lands, to [hold to them] and their heirs forever in such proportion as by their deeds and surveys of said lands on the town and proprietors' records in the town of Lebanon they claim to hold, or that a committee be appointed to repair to Lebanon, to enquire into the circumstances of said lands and to make report to this Assembly in their sessions in October next, in order to the proprietors of said lands to have a patent for their said lands: Whereupon it is resolved, that a committee be appointed, and this Assembly do hereby appoint Mathew Allyn and Roger Wolcott, Esq^{rs}, a committee to repair to the town of Lebanon, at the cost of said town, and to hear all parties concerned, and to enquire into

the circumstances of the titles of lands in the said town, and to make report to this Assembly in October next under what circumstances they find the same, and in what form they ought to have a patent granted to them to do justice to the proprietors thereof, and of what parcels of said lands they ought to have a patent or patents for; and that the town clerks of the towns of Windham, Norwich, and Colchester, have a copy of this act read to them, with a notification annexed thereto, signed by the aforesaid agents of Lebanon, shewing the time and place of the meeting of the committee by this Assembly appointed, six days before their meeting, that they, the said towns, may be heard if they see cause; and also a copy of this act, with a notification as aforesaid, be set upon the sign-post in Lebanon six days before the meeting of our said committee, that all persons concerned may be heard if they see cause.

Upon consideration of the memorial of the inhabitants of the parish commonly called the North Parish of Killingly, shewing the difficulties they labour under by reason of an explanatory act made by this Assembly October, 1729, by which the north bounds of Killingly are restrained to a line called Woodward's and Saffrey's line, [so that] the line stated by this Assembly as the south line of said north parish is but a little southward of said Saffrey's line: It is resolved by this Assembly, that all the lands lying [north] of the said Saffrey's line, between the lines of the Colony of Rhoad Island [and] the town of Woodstock up to the divident line between the Massachusetts [Province] and this Colony, shall be, and they are hereby, added to the said north [society] in Killingly; and all parish privileges are hereby granted to the inhabitants [dwelling] within the limits aforesaid, that is to say: south of the Massachusetts line, [as it is now] stated, west of the Rhoad Island line, north of the line heretofore made [the dividing] line betwixt the north and south society in Killingly, and east of the [east line of] Woodstock aforesaid. And also, that the officers chosen in said parish shall have full power to collect all former taxes granted by the inhabitants of the [said] north parish, as they might or could have done if this act had been passed before such taxes were granted. And the said parish shall be called by the name of Thompson.

Upon the memorial of Caleb Leet, Samuel Cruttenden, [Pele]tiah Leet and Joseph Stone, and others of the first soci- [716] ety || in Guilford, shewing that they have, pursuant to a law of this Colony entituled An Act for the ease of such as soberly dissent from the way of worship and ministry established by the laws of this government, qualified themselves to

take the benefit of said law, thereupon praying to be discharged from paying parish charges in the said first society: Resolved by this Assembly, that the said memorialists, who have qualified themselves as aforesaid, shall be discharged, and they are hereby discharged, from paying any parish taxes for the time to come in the said society from whom they desire to separate; anything in the abovementioned law notwithstanding.

On the memorial of Capt. Roger Newton, shewing to this Assembly that there was a grant of two hundred acres of land made to Mr. Roger Newton, late of Milford, deceased, dated October 13th, 1681, which, on the request of Mr. William Addams of Milford, the Assembly did appoint Mr. Thomas Kimberly, surveyour of lands in Hartford county, to survey and lay out the same, which work not being performed before the decease of the said Mr. Kimberly: This Assembly appoint *de novo* Edmund Lewis, Esqr, surveyour in Fairfield county, to survey and lay out the aforesaid quantity of two hundred acres of land, in the ungranted lands of this Colony on the west side of Ousatunnuck river, according to the original grant.

An Act relating to Attourneys.

Whereas many persons of late have taken upon them to be attourneys at the bar, so that quarrels and lawsuits are multiplied, and the King's good subjects disturbed: To the end, therefore, that said mischief may be prevented, and only proper persons allowed to plead at the bar, as well in behalf of our sovereign lord the King as of his good subjects; and that the fees of attourneys may be stated and known; and for the better regulating all pleadings at the bar,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be allowed in the Colony eleven attourneys, and no more, (viz:) three attourneys in the county of Hartford, and the other four counties to have two attourneys to plead at the bar in each respective county, and no more; which attourneys shall be nominated and appointed from time to time, as there shall be occasion, by the county courts; each county court to appoint the number of attourneys hereby allowed in the county where such court doth preside.

Be it further enacted by the authority aforesaid, That in all actions where the title of land is not concerned and the demand is not above ten pounds, there shall not be allowed to plead at the bar more than two attourneys; each party to improve one attourney, and no more. And in all actions where title of land is concerned, or the demand is above ten pounds, there shall be allowed to each party two attourneys to plead at the bar, and no more.

Be it further enacted by the authority aforesaid, That the attourneys fees at the county or inferiour court, in each action pleaded by such attourney, shall be ten shillings, and no more; and at the superiour court twenty shillings, and no more. And for the future, the party which shall recover judgment in any of the said courts shall have attourneys fees, according to the above regulation, allowed as part of costs of tryal.

Be it further enacted by the authority aforesaid, That in each [725] county || there shall be one King's Attourney, which shall plead and manage, in the county where such attourney is appointed, in all matters proper, in behalf of our sovereign lord the King; which attourneys shall be appointed by the respective county courts, and be of the number of attourneys allowed as aforesaid.

Be it further enacted by the authority aforesaid, That the several attourneys, that shall be allowed and appointed as aforesaid, shall from time to time be under the direction of the courts aforesaid before whom they shall plead, who, upon just reason, shall and may displace and wholly suspend any of said attourneys, or otherwise proceed against them, or any of them, that shall transgress the orders and rules of any of said courts, as the law directs.

Upon the memorial of Daniel Palmer, John Noyes and sundry other inhabitants of Stoningtown: This Assembly do advise and direct that, as soon as the meeting house in said town that is set up in the old society where this Assembly ordered it, called the eastern meeting house, is made fit for the congregation to meet in, that then the Reverend Mr. Rosseter and congregation do attend the publick worship of God there. And, forasmuch as that, through the contentions that have been in said society, the proper officers for said society have not yet been chosen for the year current: This Assembly do hereby appoint the first Tuesday of July next to be a day for the meeting of said society at their old meeting house, at nine of the clock in the forenoon upon said day, there to choose their society officers for the year current and all other business proper for such a meeting. And a copy of this act set up upon the sign post in said society, six days before said meeting, shall be a sufficient notification for the inhabitants to attend said meeting at the time and place aforesaid. And this Assembly do further appoint and impower Roger Wolcott, Esq^{r}, to preside moderator in said meeting, to lead the inhabitants duly qualified to the choice of their officers and any other business proper to said meeting. And it is recommended to said moderator and the people of said society, that they endeavour by

all proper methods to put an end to their unhappy difference, and restore peace and good order amongst them.

Upon the prayer of the selectmen of New Milford to this Assembly, desiring said town may be freed from paying any country rate this year, and that it may be laid out in finishing their meeting house: This Assembly grants to said town a freedom from paying any country rate for the space of two years; provided said town shall pay their Deputies attending this present sessions, and any other that they shall send to the Assembly during said time.

Upon the petition of Ebenezer Huntington, complaining that Mr. Justice Hide denied him an appeal from a judgment given against him by said justice March 19th, 1730: It is resolved by this Assembly, and they do hereby grant to the said Ebenezer Huntington an appeal from said judgment to the [726] county court to be holden at || New London on the second Tuesday of June next; and if then he shall upon his tryal be found not guilty, the fine and damages awarded against him by said justice shall be repaid him by such as have received the same.

This Assembly do establish and confirm Mr. Nathaniel White of Midletown to be Lieutenant of the company or trainband on the east side of Connecticutt river in the town of Midletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Hale of Glassenbury to be Ensign of the company or trainband in the town of Glassenbury aforesaid, and order that he be commissioned accordingly.

An Act in Addition unto one Law of this Government to prevent Nuisances by Hedges, Wears in Rivers, &c., in Page 205.*

Whereas in said act no provision is made to regulate the building of wears, &c[a], for the catching of fish on the flats of several rivers, coves and harbours within this government, so that the people not only run into contentions and quarrels about the same, but the benefit of catching fish in that way is liable wholly to be frustrated: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whosoever shall first set up a wear for catching of fish on any flats within any of the aforesaid rivers, coves, &c[a]., shall not be interrupted by any others setting up a wear on the same flat, in the way or course of the fish coming to the said

* Passed May, 1715. Vol. V., 506.

wear first built, nearer than at three quarters of a mile distance; and that whosoever shall presume to build or set up a wear or wears nearer to the wear first set up as aforesaid than three quarters of a mile, in the way or course of the fish coming to the said first wear, without liberty first had and obtained from the county court in the county where the said wear is set, the same shall be deemed a common nuisance, and shall be proceeded against in all respects as the abovesaid law has provided for the removal of nuisances by hedges, wears in rivers, &c[a].

This Assembly do establish and confirm Mr. John Hough of Newlondon to be Captain of the fourth company or trainband in the town of Newlondon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Keeny to be Ensign of the fourth company or trainband in the town of Newlondon, and order that he be commissioned accordingly.

Upon consideration that this Assembly are informed that his Excellency Jonathan Belcher, Esq[r], is expected home to his government in Boston in a short time: This Assembly do appoint Roger Wolcott and James Wadsworth, Esq[rs], as soon as they shall be assured of his Excellencies arrival at Boston, to go to Roxbury or Milton, whether of said places his Excellency shall see cause to meet them at, and in the name and behalf [727] of || this Assembly congratulate his Excellencies safe arrival to his government, and give him the thanks of this Assembly for his great care and pains in our agency, and to enquire of his Excellency into the affairs of our agency as they now lye in Great Britain.

An Act for Punishing such as oppose Committees appointed by the General Assembly to fix and ascertain the Bound Line between Townships or particular Persons.

Whereas it often happens that committees appointed by this Assembly to run, fix or ascertain the bound line between particular proprietors or townships, are interrupted, opposed and hindered in their work, by some evil minded and ungoverned persons: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whatsoever person or persons shall, by any way or means, oppose, hinder or interrupt such committees, or any other person or persons by them improved to assist or aid them in running and fixing any such line or lines, or any other business which said committee are appointed to do, shall incur the penalty of ten pounds, and be bound to their good behaviour with

one or more sureties, at the discretion of the court that hath cognizance of such offence; the one moiety of said penalty to be paid into the publick treasury, the remainder to him or them that prosecutes such offender to effect.

Upon the memorial of Benjamin Stephens, junr, of Danbury, praying that he might purchase on reasonable terms a small tract of country lands, west of Danbury, lying between said Stephens's land at the place called the Mill Plain and the farm called Doctr Sherwood's Farm, and that some meet person might be appointed to survey the same, &ca.: Resolved by this Assembly, that Edmund Lewis, Esqr, county surveyour, at the charge of said Stephens, survey the land prayed for, and consider what may be the value thereof, and make report thereof to this Assembly at their sessions in October next.

Upon the prayer of Joseph Minor, praying this Assembly to grant liberty to the Honourable the Governour and Secretary to sign a patent for one hundred acres of land originally granted to Capt. John Minor and surveyed by order of this Assembly: Granted, that the Honourable the Governour and Secretary sign a patent for the abovesaid one hundred acres of land to the heirs of said Capt. John Minor accordingly.

This Assembly grants to Mr. Timothy Green, printer, the sum of twenty-five pounds in bills of credit, being the one-half of his salary for this current year.

This Assembly do appoint Mathew Allyn, Nathaniel Stanly, Esqrs, and Capt. William Pitkin, to be a committee to adjust the Colony's accounts with Mr. Timothy Green, printer, and pass an order to the treasurer for what they shall find justly due to him.

[728] Upon the petition of Joshua Huntington of Norwich *versus* Jonathan Prentice, Thomas Prentice, John Prentice, and Eliza Prentice, of Newlondon, executors of the last will and testament of Jonathan Prentice, Esqr, late of Newlondon deceased, complaining of a judgment of the superiour court held in Newlondon in September last, given against said Huntington in favour of said executors, and praying for liberty of another tryal in said case at the superiour court to be held in Newlondon in September next, for the reasons assigned: Resolved by this Assembly, that the petitioner shall have liberty of one tryal more of said case at the superiour court to be held in Newlondon in September next, and that the whole cost shall follow the judgment.

The Additions of the Lists sent in to this Assembly from the several Towns in this Government, viz:

	Additions.			*Fourfold assessments.*		
	l.	*s.*	*d.*	*l.*	*s.*	*d.*
Newhaven,	469.	2.	0¼			
Norwich,	963.	8.	0			
Farmingtown,	45.	0.	0	83.	10.	0
Killingsworth,	420.	16.	9	8.	0.	0
Saybrook,	17.	15.	0			
Newlondon,	200.	15.	0	456.	0.	0
Canterbury,	148.	12.	6	171.	0.	0
Groton,	74.	12.	6			
Windham,	290.	16.	6			
Weathersfield,	1199.	2.	0			
Colchester,	227.	3.	0			
Guilford,	121.	13.	3	156.	0.	0
Haddam East,	247.	3.	0	330.	4.	0
Wallingford,	120.	2.	0			
Simsbury,	411.	8.	0	235.	16.	0
Fairfield,	616.	17.	9	694.	12.	0
Branford,	653.	6.	1			
Greenwich,	365.	0.	0			
Stanford,	512.	10.	3	95.	0.	0
Stratford,	333.	16.	6	768.	14.	0
Milford,	269.	2.	3	90.	0.	0
Haddam West,	15.	16.	0	111.	17.	0
Stoningtown,						
Windsor,	2414.	5.	0	471.	7.	0
Glassenbury,	631.	0.	0			
Derby,	127.	5.	3			
Woodbury,	226.	11.	0			

This Assembly observing the misimprovement of one law in this Colony, page 270, entituled An Act for incouragement of the getting bayberry tallow, do repeal the said law, and all acts in addition thereto, and it is hereby repealed and made void.

On the memorial of Mr. John Whiting, Treasurer of this Colony: Resolved, that the said Treasurer be allowed three pence on the pound for the torn defaced bills of credit that shall be brought into the treasury to be exchanged.

[729] Upon the memorial of Joseph Marsh, John Woodward, Joseph Fowler, Jonathan Lyman, and Stephen Strong, a committee for the town of Lebanon, and Nathaniel Foot, John Bulkley, jun^{r}, and William Roberts, a committee for the town of Colchester, representing to this Assembly the great difficulties the said towns of Lebanon and Colchester have long la-

boured under, for want of a fixed dividing line between them; and also shewing that in order to remove the same the said Joseph Marsh and John Woodward, &c^{a}., committee-men for Lebanon, and Nath^{ll} Foot, John Bulkley, jun^{r}, and William Roberts, said committee-men for Colchester aforesaid, being fully impowred thereunto by the said towns respectively, have agreed that the line hereafter mentioned and described to be the dividing line between the said towns of Lebanon and Colchester, that is to say: beginning at a large red oak tree, standing about half a mile south of an island in a pond called the North pond, which is the northerly corner boundary of the town of Colchester; thence running south 36 degrees 45 min^{ts} east 292 perch to the intersection of a line, called the Five Mile Line, to an heap of stones laid in a small pond hole; thence running east 28^{gr}, 30^{mts} south 148 perch to a large heap of stones laid in the intersection of the said five mile line and that which is called the Old Perambulation Line; thence running south 37^{gr} east 205 perch to a large chesnut tree on the south side of an highway leading from Colchester to Lebanon; thence running south 35^{gr} 45^{mts} east 170 perch to a large white oak tree marked with the letter L on the easterly side, and C on the westerly side; thence running south 30^{gr} east 120 perch to a certain black oak tree; thence running south 34^{gr} east 116 perch to an heap of stones, being an ancient monument; and thence running south 36^{gr} east 92 perch to a white oak tree; thence south 38^{gr} 30^{mts} east 32 perch, to a large white oak tree; thence running south 32^{gr} east 43 perch, to a swamp white oak tree fallen down, and so continuing the same course 76 perch to a white oak tree; thence south 37^{gr} east 36 perch, to a white oak tree; thence running south 41^{gr} east 132 perch to a white oak tree; and thence south 35^{gr} east 76 perch, to a white oak tree, and so continuing the same course 92 perch to a large white oak tree; and thence running south 37^{gr} east 71 perch, to a certain red oak tree; thence south 31^{gr} east 80 perch, to a white oak tree; and from thence south 21^{gr} east 51 perch, to a large rock having stones laid on it; thence running south 36^{gr} 45^{mts} east 80 perch, to a large high rock, and so continuing the same course 14 perch, to another large high rock; and from thence running south 34^{gr} east 61 perch, to a chestnut tree; thence running south 42^{gr} east 41 perch, to a white oak tree; and from thence running south 36^{gr} 45^{mts} east 27 perch, to a white oak tree, and so continuing the same course 80 perch to a chestnut tree, and continuing the same course 53 perch to a large white oak tree marked with the letter L on the easterly side, and continuing the same course 80 perch to an heap of stones,

and further on the same course 16 perch to a chestnut tree, and further the same course 36 perch, to two large chestnut trees growing out of one root; and from thence continuing the same course 40 perch to a large white oak tree and many stones laid about it, and many letters on it, and is the southeasterly corner boundary of the town of Colchester. And the aforesaid Joseph Fowler and John Bulkley, jun^{r}, being present before this Assembly, do agree that the reason of the aforesaid committees agreeing that the line from the intersection of the five mile line to the white oak tree aforesaid at Norwich [730] line, called Colchester's || southeasterly corner, should be a crooked line as above described was, to secure the property on each side of the line to the claimers thereof. This Assembly does thereupon confirm the same line from the aforesaid intersection to the said white oak tree, to be a line of property between the said towns, as also to be a line of jurisdiction; and does grant and confirm the land on Colchester side of said line to be to them that hold under Colchester aforesaid, and the land on Lebanon side of said line to be and belong to the purchasers thereof claiming the same, and the line from the intersection of said five mile line to the red oak tree near the pond aforesaid, to be understood to be only a line of jurisdiction, which is also confirmed to be the line that shall divide between said towns.

Upon the memorial of Andrew Roby, Richard Case and others, of the town of Simsbury: It is resolved, and this Assembly do hereby resolve and enact, that all the cost and charge there hath hitherto risen in fixing the places and erecting the two meeting houses in said town, shall be first born and paid respectively by the several societies, as they are ordered and bounded by the committee last appointed by this Court. That is to say: the charge that has arisen in the south society by the inhabitants of the south society, and the charge that has arisen in the north society by the inhabitants of the north society. And Mathew Allyn, John Hooker, Esq^{rs}, John Hart, James Ensign, and Joseph Barnerd, or the major part of them, are hereby authorized and impowred to receive and pass the accounts of all charges and disbursements that have arisen and been made in that affair, as also their own time and trouble in managing the business in this act committed unto them; and to levy a tax or assessment on the inhabitants of the south society, for the defraying of all such charges and disbursements that they shall pass as aforesaid on the south society; and also a rate or assessment on the inhabitants of the north society, for the defraying the accounts of charges and disbursements that they shall pass on the north society.

And if the said Mathew Allyn, John Hooker, Esq^rs, John Hart, James Ensign, and Joseph Barnerd, shall not, in one month after the rising of this Assembly, obtain the grand list of the polls and rateable estate of said town which was taken and made by the listers of Simsbury for the year 1729, whereon to make said taxes and assessments, the said Mathew Allyn, John Hooker, Esq^rs, John Hart, James Ensign, and Joseph Barnerd, or the major part of them, are hereby ordered and fully impowred to doom and assess the several inhabitants of the said two societies, each one his several part or proportion of the said taxes or rates by them to be made for the answering the costs and charges as aforesaid; and that a rate bill made, as aforesaid, by the said Mathew Allyn, John Hooker, Esq^rs, John Hart, James Ensign and Joseph Barnerd, or the major part of them, and signed with their hands, delivered to the sheriff of the county of Hartford or his deputy, with a warrant from any assistant or justice of the peace to him directed, for the gathering and collecting such rates, shall be a sufficient warrant to him to gather and collect such rates according to such precept.

And this Assembly do desire the Honourable Joseph Talcott, Esq^r, Nathaniel Stanly, Esq^r, and Ozias Pitkin, Esq^r, to warn, by some meet person or persons by them to be appointed, [731] the inhabitants of || said town to meet at the old meeting house in Simsbury, at such time as they, the said Joseph Talcott, Esq^r, Nathaniel Stanly and Ozias Pitkin, Esq^rs, shall think best, to consider and agree amongst themselves at what place or places, and in what manner, to build for themselves a meeting house or meeting houses for the worship of God, as they, or the greater part of them, by their vote in such meeting, shall agree, conclude and determine. At which said meeting the said Joseph Talcott, Esq^r, Nathaniel Stanly, Esq^r, and Ozias Pitkin, Esq^r, are desired to be present, and endeavour to perswade the people of said town to surcease their contentions and joyn as brethren lovingly to go on with this good work. And his Honour is desired to report to this Assembly in October next, in what manner they have succeeded in this affair; and if the inhabitants of said town shall not agree by their greater vote to the building one or more meeting houses, then to report to the Assembly, if it be best in their opinions whether they should be one or more societies, and if two, whether the places where the committees have last ordered their meeting houses to be is not most commodious for them.

Whereas there hath been two acts passed by this Assembly, respecting the annexing one mile of land on the west side of Ashford as formerly laid out next to Wellington, unto the

town of Wellington, which acts have not fully removed the difficulties as was hoped for: Therefore, it is now resolved by this Assembly, that the said mile of land shall be annexed to the county of Hartford, and the same is hereby annexed to the said county of Hartford; and that the town officers in the town of Wellington aforesaid shall, from time to time, exercise their respective offices in said mile annexed as aforesaid, as fully and amply as they may or could do in any other part of said Wellington; and that the said mile shall be exempted from the care and bailiwick of the officers of said town of Ashford. And Mr. Josiah Conant, surveyour of the county of Windham, is appointed to run and ascertain the line on the east side of the said mile of land, and make report thereof to this Assembly at their sessions in October next.

Upon the memorial of Daniel Grant of Windsor, shewing that he is become a cripple, and so like to continue: Granted by this Assembly, that the petitioner be released from paying country taxes for his head.

An Act to prevent the List of the Polls and Rateable Estate in the several Towns from being altered or lost.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the listers in each of the respective towns in this Colony shall annually, some time in the month of January, deliver the list of the polls and rateable estate of the inhabitants of their town, by them made, to the clerk of the town, taking his receipt for the same; upon penalty that every lister that shall refuse or neglect the same shall pay to [the] treasury of such town the sum of ten pounds, to be recovered by action, bill, plaint or information.

And it is further enacted, That the town clerks in the respective towns shall give to the listers a receipt of such [732] list || to them tendered or delivered as aforesaid, under the like penalty, to be recovered as aforesaid, and safely keep such list for the use of the constables, ratemakers, and collectors of the minister's, town and society's rates, for them to make said rates by.

An Act in Addition to an Act entituled An Act concerning Sheep and Swine.

Be it further enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the owners of sheep, living within the limits wherein any flock of sheep is already ordered or shall hereafter lawfully be ordered to be, shall be allowed and impowred, and they are hereby allowed and impowred, to meet together within their limits as often as there shall be occasion, and in

such their meetings, by their major vote according to their interest, to be computed according to the number of sheep each voter hath, to choose their clerk, who shall be sworn to make true entries of all such votes and acts as shall be made by said owners of sheep; and also to choose sheep-masters for the hiring a shepherd and letting out the flock to fold, and other prudential affairs relating to the flock. And also in such their meeting, to make orders for the warning of the meetings; and also to make all necessary orders proper for the better managing their flock, restraining rams from going at large within their limits, and securing the flock from being destroyed by dogs.

And it is further provided, That no damage shall be recovered against any person or persons for killing any dog or dogs according to the aforesaid order of the owners of any flock.

And it is further enacted, That the fee for impounding sheep that are not of the flock, taken damage feasant, shall be two pence per head.

Be it further enacted by the authority aforesaid, That every town that do not agree to have any flock shall have the same power to make acts, relating to the restraining rams and securing the sheep from being destroyed by dogs, as the owners of sheep have that live within the limits of any flock as aforesaid; and that the fee for impounding sheep in such towns, that are taken damage feasant, shall be two pence per head as abovesaid; any law, usage or custom notwithstanding.

Whereas, upon the petition of Midletown and Farmingtown to the General Assembly holden at Newhaven October 14th, 1725, it was resolved by said Assembly, that Messrs. David Goodrich, Thomas Seymour and Thomas Kimberly, should be a committee, or any two of them, to run, ascertain, fix and finally determine the partition or dividing line between the townships of Midletown and Farmingtown, according to certain instructions and directions in said resolve contained, as may appear on record; and the said David Goodrich and Thomas Seymour representing to this Assembly that they entered upon said business, but before they made return of their doings thereon to the General Assembly, the said Thomas Kimberly deceased, whereby they were disabled to make any return of what they had done; whereupon they, the said David Goodrich and Thomas Seymour, did again, on the 5th of this instant May, with the aid of Mr. Jonathan Burnham, assay to compleat said work, but were interrupted, opposed and hin-
[733] dered in proceeding || thereupon by sundry of the inhabitants of said Midletown: It is therefore ordered and re-

solved by this Assembly, that the said David Goodrich and Thomas Seymour, committee, go on and compleat their work according to the abovementioned order and resolve of the General Assembly at Newhaven October 14th, 1725; taking to their aid and assistance such person or persons as they think fit, and make return thereof to this Assembly as soon as may be.

An Act for the Punishment of Negroes, Indian and Molatto Slaves, for speaking Defamatory Words.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any Negro, Indian or Molatto slave shall utter, publish and speak such words of any person that would by law be actionable if the same were uttered, published or spoken by any free person of any other, such Negro, Indian or Molatto slave, being thereof convicted before any one assistant or justice of the peace, (who are hereby impowred to hear and determine the same,) shall be punished by whipping, at the discretion of the assistant or justice before whom the tryal is, (respect being had to the circumstances of the case,) not exceeding forty stripes. And the said slave, so convict, shall be sold to defray all charges arising thereby, unless the same be by his or their master or mistress paid and answered.

Provided nevertheless, That such Negro, Indian or Molatto slave be not debarred from making such pleas, and offering such evidences in his or their defence or justification on such tryal, as any other person might make use of, being sued in an action of defamation, so far as relates to the tryal before the justice; anything above to the contrary notwithstanding.

Upon consideration had in this Assembly on the petition of Margarett Crocker *vs.* Jonathan Burley, the question was put, whether the prayer of said petition should be granted: Resolved by this Assembly in the negative.

Upon the petition of Thomas Winchell, living at a place called Turkey Hills, near the bounds between Windsor and Symsbury, *vs.* Jonathan Marsh and Jonathan Ellsworth of said Windsor, executors of the last will and testament of John Elliott late of Windsor aforesaid deceased, the question was put, whether the prayer of said petition should be granted: Resolved by this Assembly in the negative. *Cost allowed respondents* 15*s.* 2*d.* *Ex granted June* 22*d*, 1730.

William Thrall of Windsor complaining that Nath[ll] Holcomb of Symsbury, being by three writs of execution levyed upon him for debt due to the complainant committed to the common goal in the county of Hartford, and from thence by

breaking the goal made his escape, and has since gone at large; praying to this Assembly for direction and relief in the case: It is resolved, that the sheriff of the county of Hartford make fresh pursuit after the said prisoner with horse and foot, and remand said prisoner back again to the goal, there to remain until he satisfy said executions and be by law released. The charge to be defrayed by the prisoner, or otherwise as this Assembly shall hereafter order.

[734] Upon the memorial of John Perry, shewing to this Assembly that he has attained five hundred acres of land laid out on the west side of Ousatunnuck river, by Mr. Edmund Lewis, county surveyour, for the heirs of Mr. Ebenezer Fitch of Windsor deceased, there being liberty granted therefor by the General Assembly May 9th, 1723, and praying this Assembly to grant liberty to have a patent executed in form of law for the same: This Assembly do thereupon give liberty to his Honour the Governour and Secretary to execute a patent for the said five hundred acres of land to the heirs of the abovesaid Ebenez^{r} Fitch, in due form of law.

Upon the memorial of Robert Royce, Samuel Hall, Gideon Ives, Nathaniel Curtice, all of Wallingford, shewing the difficulty arising by reason of the uncertainty of Midletown line on the west, dividing between said Midletown and a certain piece of land purchased by said Royce, Hall, Ives and Curtice, of a committee appointed by this Assembly, &c^{a}., lying in the parish of Merridan; praying to this Assembly for direction, &c^{a}.: Resolved by this Assembly, that the committee, (viz:) Coll. Goodrich and Capt. Thomas Seymour, who are to compleat the line between Midletown and Farmingtown, extend the same course so far south as the said purchased lands extend; the same to be the dividing line between Midletown and the said purchased lands; and to make their return to this Assembly in October next.

Resolved by this Assembly, That three hundred pounds in bills of publick credit shall be allowed his Honour the Governour for his salary for this current year, one moiety thereof to be drawn out of the treasury at this time, and the other in October next.

An Act for Emitting Bills of Credit for the Payment of the publick Debts of this Colony.

Whereas there is in the hands of Mr. John Whiting, Treasurer of this Colony, the sum of two thousand three hundred eighteen pounds three shillings and seven pence, in good bills fit for further service, which was brought in by the rate granted October, 1728, and are lodged in the treasury for the further disposal of this Assembly,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Treasurer shall be, and he is hereby, authorized and impowred to issue out and deliver the aforesaid sum of two thousand three hundred and eighteen pounds three shillings and seven pence, towards the payment of the debts and the necessary charges of this Colony, according to such orders as shall be given him from time to time, according to law.

[735] Upon the petition of John Hubbard and Daniel Hubbard of Newhaven, *vs.* James Wadsworth, Esq^{r}, and the rest of the proprietors of the town of Durham, the question was put, whether the prayer of said petition should be granted: Resolved by this Assembly in the negative.

This Assembly being informed by Major Wolcott, that his business will not suffer him to attend the society meeting at Stoningtown on the first Tuesday of July next: Upon consideration whereof, this Assembly do appoint Capt. Daniel Brewster to preside in said meeting, in the room of Major Wolcott.

The parties concerned in an act of this Assembly in October last, upon the memorial of the inhabitants and proprietors of the town of Voluntown, have liberty granted them to bring in their deeds to this Assembly at their sessions in October next, and a consideration to be had thereupon according to the said act.

Whereas the business of sundry of the members of this Assembly is urgent and calleth for their attendance in their own particular affairs,

This Assembly do therefore order and appoint Roger Wolcott, Nathaniel Stanly, Ozias Pitkin, Esq^{rs}, Capt. William Pitkin, Coll. David Goodrich, Mr. John Curtiss, Capt. Samuel Mather, Capt. Thomas More, and Capt. Thomas Wells, in the name of this Assembly, to attend his Honour the Governour, to hear the records of the acts of this present session of the Assembly read off, and to see them perfected and signed by the Secretary as compleat.

The Acts of the Assembly, as they stand recorded in the preceding pages, were read in the presence of his Honour the Governour and the committee abovenamed, and by them ordered to be signed by the Secretary as perfect and compleat.

HEZ: WYLLYS, Secret^{y}.

[END OF VOLUME V.]

[Volume VI.]

[1] *CONNECTICUTT COLONY.*

At a General Assembly holden at Newhaven, in his Majesties English Colony of Connecticutt in New England, in America, on Thursday the [8th] day of October, in the fourth year of the reign of our Sovereign Lord George the 2d, of Great Britain, &c. King, annoque Dom. 1730.

Present.

The Honourable Joseph Talcott, Esq^{r}, Governour.
The Honourable Jonathan Law, Esq^{r}, Deputy Governour.

Mathew Allyn, James Wadsworth, John Hooker, Nath^{ll} Stanly, } Esq^{rs}.

Joseph Whiting, Timothy Pierce, John Burr, Samuel Lynde, } Esq^{rs}, *Assistants.*

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz:

Capt. Will^{m} Pitkin, Capt. John Marsh, for Hartford.
Capt. Jonath^{n} Alling, Capt. Isaac Dickerman, for Newhaven.
Mr. Ebenez^{r} Silliman, Mr. Samuel Burr, for Fairfield.
Capt. Josh^{a} Hempstead, Mr. John Richards, for New London.
Mr. Edw^{d} Waldo, Mr. Jabez Huntington, for Windham.
Mr. Ebenez^{r} West, Mr. Jn^{o} Woodward, for Lebanon.
Capt. Thomas Moor, Mr. Henry Wolcott, for Windsor.
Capt. Jn^{o} Russell, Capt. Sam^{ll} Maltby, for Branford.
Maj^{r} Jn^{o} Sabin, Mr. Jonth Dresser, for Pomfrett.
Capt. Jonth Westover, Mr. Jn^{o} Higley, for Simsbury.
Mr. Dan^{ll} Brainerd, for East Haddam.
Mr. Gerrard Spencer, for West Haddam.
Mr. Abell Birdseye, Capt. Jos. Judson, for Stratford.
Capt. Joseph Platt, Capt. Sam^{ll} Comestock, for Norwalk.
Mr. Dan^{ll} Palmer, Mr. Increase Billings, for Stoningtown.
Capt. James Avery, Mr. James Morgan, for Groton.
Mr. Peter Buell, Mr. Joseph Strong, for Coventry.
Mr. Benj^{a} Skinner, Capt. Hez. Gaylord, for Hebron.
Mr. John Bulkley, Mr. Nath^{ll} Foot, for Colchester.
Capt. Samuel Hill, Mr. Benj^{a} Strong, for Guilford.
Mr. David Hubbard, Mr. Abram Kilbourn, for Glassenbury.
Mr. Steph^{n} Whittlesey, Mr. Sam^{ll} Willard, for Saybrook.
Mr. Dan^{ll} Wadsworth, Mr. John Hart, for Farmingtown.
Capt. Henry Crane, Mr. Nath^{ll} Sutliff, for Durham.

Mr. Jos. Backus, Capt. Jabez Hide, for Norwich.
Capt. John Colt, Capt. Stephen Lee, for Lyme.
Mr. Jn° Grigory, Capt. James Bebee, for Danbury.
Capt. John Riggs, Mr. Sam[ll] Hull, for Derby.
Mr. John Cook, Mr. Joseph Witter, for Preston.
[2] Mr. Daniel Lawrence, Mr. William Marsh, for Plainfield.
Capt. David Buell, Mr. John Stephens, for Killingsworth.
Mr. John Curtiss, Capt. John Chester, for Weathersfield.
Capt. Joseph Minor, for Woodbury.
Mr. William Judd, Mr. Tim° Hopkins, for Waterbury.
Capt. John Lyon, Capt. James Reignolds, for Greenwich.
Capt. Thomas Huntington, Mr. Experience Porter, for [Mansfield.]
Mr. Joseph Leavens, Mr. Sampson How, for K[illingly.]
Mr. Giles Hall, Mr. George Phillips, for Mi[ddletown.]
Capt. Theophilus Yale, Mr. Samuel Hall, for Wallingford.
Capt. Jonathan Hoit, Mr. John Bell, for Stanford.

Capt. Roger Newton, Speaker, } of the House of Represent-
Capt. John Russell, Clerk, } atives.

This Assembly being informed that Mr. Secretary Wyllys is so indisposed that he cannot attend the business of this Court: Whereupon this Assembly do appoint and fully authorize George Wyllys to be Secretary during the sitting of this Assembly, and to make entry of all votes and acts of this Court proper for the Secretary, and to [take] out copies when needful, and also to sign and seal commissions allowed [by] this Assembly, and at the end of this session to return the books and files that are brought to this place, to Hartford, and into the Secretary's office whence they were sent, and that his Honour the Governour administer the [oath] to said George Wyllys accordingly; who thereupon was (by his Honour [the] Governour) sworn to that office and trust, in the presence of the honourable the members of the Council.

An Act for the Confirmation of the Agreement made at Greenwich in the Colony of Connecticutt, on the 29th of April, anno Dom. 1725, by [and] between the Commissioners of the Province of New York and Colony of Connecticutt, for the Running and Ascertaining the Partition Line between the said Province and Colony; as also in Confirmation of the Survey in Part made pursuant thereunto, as appears by their Report under their Hands [and] Seals, dated at Norwalk in the Colony of Connecticutt on the 12th Day [of] May, in the eleventh Year of the Reign of the late King George, Annoque Dom. 1725; as also in Approbation of the present Meeting of the Commissioners, and for authorizing Commissioners to proceed and perfect, and [fully] ascertain the Partition Line aforesaid, according to the said Agreement.

Whereas an agreement was made on the 28th of November

anno Dom. 1683, at Fort James in New York, between the Right Honourable Thomas Dungan, Governour, under his then Royal Highness James, Duke of York, &c^{a}., of New York, and his Council, and Robert Treat, Esq^{r}, Governour of Connecticutt, and others in commission with him, for the settling and fixing the boundaries and partition lines between the Province of New York and Colony of Connecticutt: And whereas a survey thereof was begun in 1684, and the partition lines in part ascertained: And whereas the said agreement and survey were approved and confirmed by the late King William in Council: [3] || And whereas an act of the Governour, Council and Assembly [of New York] was passed in the month of June, in the fifth year of the reign of King George the first, entituled An Act for the running and ascertaining the lines of partition and division betwixt the Colonies of New York and Connecticutt: And whereas King George aforesaid was pleased to give the royal assent to the said act: And whereas a commission, in pursuance of said act, bearing date the 3d day of April, 1725, was given to divers gentlemen on the part of New York: And whereas by an act of the Governour, Council and Representatives, in General Court assembled, at New Haven on the 8th day of October *anno Dom.* 1724, divers gentlemen on the part of this Colony were fully authorized and impowered to agree, fix and ascertain the partition lines aforesaid, by virtue of which commissions and authorities an agreement was entered into between the said Colonies concerning the said lines, and part thereof was actually run and ascertained by proper monuments, as by the said agreement and report of the commissioners and surveyours appointed by the said acts and commissions may appear: And whereas the said agreement and survey in 1725 hath been approved of by the late Governour of New York, William Burnett, Esq^{r}, and Council.

Be it enacted and ordained by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said agreement and survey aforesaid, in 1725, recorded in the records of this Colony and filed in the Secretary's office, be approved of, and they are hereby approved of, ratified and confirmed, in all the parts thereof. And it is hereby declared, that so far as the said commissioners and surveyours have run and ascertained the lines, as by their said report appears, shall be and remain the partition lines between this Colony and the Colony of New York forever.

And further: Whereas the said commissioners, at their meeting at Greenwich in 1725, did agree, that in case they could not go through with their work at that time, that they

would thereafter meet and proceed thereon at any time when the Governour of New York and the Governour of Connecticutt should agree: And whereas the Governour of New York did propose to his Honour the Governour of Connecticutt, that the commissioners should meet for that end on the 29th of September last, and did accordingly meet at Greenwich: Their said meeting is by the authority aforesaid approved of.

And whereas the running and ascertaining the remaining part of the partition lines aforesaid may not require the attendance of so many commissioners as were before appointed,

This Assembly do hereby order and appoint, That Samuel Eells, Roger Wolcott and Edmund Lewis, Esq^{rs}, or any two [of them, whereof] Edmund Lewis, Esq^{r}, to be one, shall have [4] full power and ‖ authority, in conjunction with the commissioners of New York, to proceed in running the remaining lines agreed upon as aforesaid, [and to] ascertain the same by proper meets, monuments and boundaries in the partition lines and every of them, according to the aforesaid agreement in 1725, and make report thereof to this Assembly. Which lines [when] run, and the places distinguished thrô which they shall pass [according] to the aforesaid agreement in 1725, shall be and remain the lines of partition and division betwixt the Province of New York and this Colony forever.

And it is further provided, That in case [either] Edmund. [Lewis,] Esq^{r}, should not be able to go thrô with the work aforesaid as surveyour and commissioner, or the other commissioners should fail, [so that] there cannot be one of the gentlemen in commission with him to attend the service, then it shall be in the power of the Governour, for the time being, with the advice of his Council, to appoint and commissionate other suitable person or persons in their or [his] room and stead, to perform the service aforesaid.

This Assembly do establish and confirm Mr. William [Judd] of Waterbury to be Captain of the company or trainband in the town of Waterbury aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Hopkins to be Lieutenant of the company or trainband in [the] town of Waterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Hickcox of Waterbury to be Ensign of the company or trainband [in the] town of Waterbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Roswell Saltonstall of Hartford to be Captain of the first company or trainband in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Clark of Lebanon to be Captain of the north company or trainband [in] the first society in Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jedediah Strong of Lebanon to be Lieutenant of the north company or trainband in the first society in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel [Hutch]inson, junr, of Lebanon, to be Ensign of the north company or trainband in the first society in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas [Newcomb] to be Cornet of the Troop in the county of Windham, and [order that he be] commissioned accordingly.

[5] This Assembly do establish and confirm Mr. Samuel [Ashley] of Windham to be Ensign of the north-east company or trainband in the town of Windham aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Israel Newton of Colchester to be Captain of the first company or trainband in the town of Colchester aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Noah Wells of Colchester to be Lieutenant of the first company or trainband in the town of Colchester aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Loomiss of Colchester to be Ensign of the first company or trainband in the town of Colchester aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Ketcham of Norwalk to be Captain of the company or trainband in the parish of Wilton, in the town of Norwalk, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Mathew St. John to be Lieutenant of the company or trainband at the parish of Wilton, in the town of Norwalk aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Betts of Norwalk to be Ensign of the company or trainband at the parish of Wilton in the town of Norwalk, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Barlow of Fairfield to be Lieutenant of the second company or trainband in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Rowland of Fairfield to be Ensign of the 2d company or trainband in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly being informed that the money ordered the committee for building the fort at New London is already expended, and the work retarded for want of a further supply: Ordered, that the sum of one hundred pounds be drawn out of the publick treasury and delivered into the hands of said committee [who] are hereby ordered to keep a true account how the money they have [or] shall receive is expended, and lay the same before the Assembly in [May] next.

This Assembly do establish and confirm Mr. Timothy Mather of Lyme to be Lieutenant of the first company or trainband in the town of Lyme aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Mather of Lyme to be Ensign of the first company or trainband in the town of Lyme aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Henry [Wood]ward of Lebanon to be Lieutenant of the north company or trainband in the town of Lebanon, and order that he be commissioned [accordingly.]

[6] This Assembly do establish and confirm Mr. Joseph Trumble, junr, of Lebanon, to be Quarter Master of the Troop in the county of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John [Anderson] to be Lieutenant of the Troop in the county of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer [Brown] of Lebanon to be Captain of the company or trainband at the parish of [Goshen] in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Caleb [Chappel] to be Lieutenant of the company or trainband at the parish of [Goshen] in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John [Wattels] of Lebanon to be Ensign of the company or trainband at the parish of Goshen in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Swetland of Hebron to be Lieutenant of the north company or trainband in the town of Hebron aforesaid, and that he [be] commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel [Fitch] of Lebanon to be Captain of the southerly company or trainband in the [old] society in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Huntington of Lebanon to be Lieutenant of the southerly company or trainband in the old society in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Gershom Clark of Lebanon to be Ensign of the southerly company or trainband in the old society in the town of Lebanon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel [Bush]nell of Seybrook to be Lieutenant of the west company or trainband in the town of Saybrook aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Reinold [Marvin,] jun^{r}, of Lyme, to be Lieutenant of the south company or trainband in the town of Lyme aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nath^{ll} [Kings-] bury of Windham to be Captain of the northeast company or trainband in the town of Windham, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ja[mes Utley] to be Lieutenant of the northeast company or trainband in the town of Windham, and order that he be commissioned accordingly.

[7] This Assembly do establish and confirm Mr. Joseph Clark to be Ensign of the north company or trainband in the town of Lebanon, and order that he be commissioned accordingly.

An Act for Levying a Tax on Polls and Rateable Estate.

This Assembly grants a rate of two pence on the pound on all the polls and rateable estate in this government; to be paid into the publick treasury in the bills of credit of this Colony, with the usual advance of twelve pence on the pound, or in true bills of credit of four signers of the Massachusetts Bay, or in true bills of credit of New York, without advance on them, or in silver money as it passeth in the country.

Whereas this Assembly formerly appointed James Wadsworth and John Hall, Esq^{rs}, to be guardians to the Mohegan Indians, with power to lease out the Mohegan lands, &c^{a}, since which the said John Hall, Esq^{r}, is removed by death: Whereupon, this Assembly do appoint James Wadsworth, Esq^{r}, Samuel Lynde, Esq^{r}, and Mr. Stephen Whittlesey, or any two of them, to be Guardians of said Indians; which guardians are hereby directed and fully impowred to inspect the carriages and manners of said Indians, and use their endeavours that the said Indians be christianized, if possible, and incourage industry amongst them. And the said guardians shall and they are hereby impowred to lease out for a term of years such parcels of the Mohegan lands as they shall think proper. Provided there be not any charge bro't on this Colony by the doings of said guardians.

Whereas his Honour the Governour hath informed this Assembly, that he hath in his hands divers receipts of sums of money that his Honour hath taken out of the Colony treasury by order of this Assembly for the Colony Agents: Whereupon, this Assembly do desire his Honour the Governour to return all said receipts into the Secretary's office, and the Secretary shall carefully record all said receipts in his office, keeping the originals upon file. And the same method shall be from time to time taken with receipts that may be taken in relation to any sum or sums of money that may be paid or delivered upon account of our Colony Agent or Agents.

The Gentlemen to stand in Nomination for Election in May next, brought in by the votes of the freemen in the several towns of this Colony to this Assembly, are as followeth, viz:

The Hon^{ble} Joseph Talcott, Esq^{r}, the Hon^{ble} Jonathan Law, Esq^{r}, Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Roger Wolcott, Esq^{r}, James Wadsworth, Esq^{r}, John Hooker, Esq^{r}, Nathaniel Stanly, Esq^{r}, Joseph Whiting, Esq^{r}, Ozias Pitkin, Esq^{r}, Timothy Pierce, Esq^{r}, John Burr, Esq^{r}, Samuel Lynde, Esq^{r}, Edmund Lewis, Esq^{r}, Capt. Roger Newton, Capt. Samuel Mather, Mr. Thomas Fitch, Capt. Thomas Seymour, Mr. Richard Christophers, Mr. Ebenezer West.

[8] This Assembly grants to Agent Jeremiah Dummer, Esq^{r}, for his salary this year, one hundred pounds, to be paid out of the Colony treasury. And his Honour the Governour is desired to receive the said sum of the treasurer, and send the same to Boston to said agent's receiver.

Upon the memorial of Isaac Hubbard, Thomas Hollister, with other the inhabitants of the east farms in Glassenbury, praying this Assembly to grant and appoint a committee, &c.: Resolved by this Assembly, that Mathew Allyn, Esq^{r}, John Hooker, Esq^{r}, and Nathaniel Stanly, Esq^{r}, be a committee appointed to repair unto the east farms in Glassenbury aforesaid, and view the accommodation, extension and circumstances of the inhabitants aforesaid, and their limits and districts, with reference to their ability to sustain a minister and other publick charges that will ensue in consequence of their being separated and formed into a distinct society, and report the same to this Assembly, with their opinion upon the premises, at their sessions in May next. All at the petitioners proper cost.

This Assembly do direct and order John Whiting, Esq^{r}, Treasurer, to attend this Assembly on Tuesday next, with such a quantity of bills as may be sufficient to defray the charges of this Assembly.

Upon consideration had in this Assembly on the pleas made on the side of Midletown against the allowing and confirming the line between Midletown and Farmingtown, according to the return of Coll. David Goodrich and Capt. Thomas Seymour to this Assembly: It is ordered and determined by this Assembly, that if the inhabitants of the town of Midletown shall not at their own cost procure the said line to be run again by Messrs. William Seward and Abraham Fowler of Guilford, who are hereby appointed a committee to do the same with the assistance of Mr. Edmund Lewis of Stratford, surveyour, and chain bearers by the said committee to be chosen and sworn as the law directs, giving the selectmen of Farmingtown (for the time being) seasonable notice to be present; and that the said committee make return of their doings thereon unto the General Assembly at their sessions in May next. But if the said inhabitants of Midletown shall neglect to procure the said line to be new run as aforesaid, then the said return now made to this Assembly by Coll. David Goodrich and Capt. Thomas Seymour shall be approved and recorded, and the line by them run shall be the dividing line between the towns of Midletown and Farmingtown and the purchasers, &c^{a}., forever. *Cost allowed* £23 9*s*. 8*d*.

This Assembly observing that divers persons in this Colony have formerly been sentenced to perpetual confinement in some or other [of the goals of] this Colony, there being then [9] no other suitable place of || confinement for them,

It is now resolved by this Assembly, [That they] shall be removed to the work-house at Hartford, there to be confined at the discretion of the master, and imployed according to the orders of the house.

And it is further provided, That the sheriffs of the several counties take care to see this order put in execution, and lay an account of the charge thereof before Nathaniel Stanly, Esq[r], for his correction; who is hereby directed to make out an order on the treasurer of this Colony for the payment thereof. And further, the master of the work-house is ordered to forbear the punishment on their first admission.

And it is further provided, That whereas David Robinson of Durham was ordered by this Assembly to confinement within the limits of his own farm, on pain of being sent to Newhaven goal by any of the justices of this Colony, when he should be found rambling beyond his limits: It is now ordered, that he shall be sent to the work-house aforesaid by any of the assistants or justices of this Colony, on the conditions aforesaid, there to be confined and improved according to the orders of the house; and that he shall be excused from the punishment ordered by the law at his first entrance.

Upon the memorial of the Reverend Trustees of Yale College: This Assembly grants, in addition to the former allowance of one hundred pounds made to said college, the sum of one hundred pounds a year for the term of two years next coming. And what this Assembly allows to said college shall be yearly paid, the one half thereof in May and the other half thereof in October; the first payment to be made in May next.

This Assembly do establish and confirm Mr. Samuel Willard of Saybrook to be Ensign of the first company or trainband in the town of Saybrook aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hungerford of Colchester to be Captain of the company or trainband at the west society in the town of Colchester aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan D[un]ham of Colchester to be Lieutenant of the company or trainband at the [west] society in the town of Colchester aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jabez Crippin

of Colchester to be Ensign of the company or trainband at the west society in the town of Colchester aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Coit of Newlondon to be Lieutenant of the first company or trainband in the [town] of Newlondon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Fosdick of Newlondon to be Ensign of the first company or trainband in the town of Newlondon aforesaid, and order that he be commissioned accordingly.

[10] This Assembly do establish and confirm Mr. Christopher Avery of Groton to be Captain of the second company or trainband in the town of Groton aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Eldridge to be Lieutenant of the second company or trainband in the town of Groton aforesaid, and order that he be commissioned accordingly.

Upon the memorial of Daniel Palmer and John Noyce, *in behalf of the first** society in Stoningtown, shewing the great contention in said society, and that there is two meeting houses lately built there, whereupon the people in said society (that should meet together) meet separately: This Assembly do therefore appoint Timothy Pierce, Samuel Lynde, Esq[rs], and Mr. Richard Abbee, or any two of them, to be a committee to repair to said Stoningtown and endeavour to put an end to the contentions there, and perswade said people to meet together and continue in one society in respect of their ecclesiastical affairs. But if the said committee shall not attain so good an end, and they shall find it necessary to make a new society there, and the people of the western part of said society will make some proper allowance, in the judgment of said committee, to the people of the eastern part, since they are like to enjoy the labours of Mr. Rossiter, (a minister of the gospel lately settled by the joynt charge of the whole society,) then the said committee shall ascertain and fix the bounds of another society in the western part of said first mentioned society, and make their report thereof to this Assembly in May next for their confirmation. And in the mean time, if the said committee shall ascertain said bounds aforesaid, then said Mr. Rossiter and the people on the western part may meet and perform divine worship in the meeting house they have

* The true reading is, "And the rest of the inhabitants in the east part of the south," instead of the words italicised in the text. *Ecclesiastical*, IV., 159, 159*a*, and Journals.

set up. And the said committee shall appoint their meeting (both as to time and place) at Stoningtown, and the contending parties, by themselves or agents, shall then attend; and to be done upon the charge of the whole south society.

On the petition of Joseph Williams and Timothy Pierce, jun., shewing to this Assembly the great charge said petitioners have been at in building and keeping in repair a large bridge over Quinnibaug river between the towns bounds of Plainfield and Canterbury, praying this Assembly to forbid any person or persons keeping any boat or ferry near said bridge, that said petitioners may be under better advantages to have recompence therefor: It is now resolved by this Assembly, that no person or persons shall keep any boat or ferry in said river, for the transportation of travellers, within one mile of said bridge, on the penalty of the law providing for the benefit of such as are allowed to keep ferries, during the time said bridge is to be kept a toll bridge by an act of this Assembly.

[11] Upon the memorial of the committee of the society of Horse Neck, praying that the country rate of the town of Greenwich, collected this present year 1730, may be delivered to the treasurer of said society, &c^{a}.: Resolved by this Assembly, that the aforesaid country rate shall be, by the constable of that town who is appointed to collect the same, delivered into the hands of Ebenezer Mead, treasurer of said society, for the use of said society particularly and only, to be applied for the finishing the meeting house in that society. And the said Mead is hereby ordered, upon the receipt of said rate, to give his receipt to said constable; which receipt shall be as good a discharge for said constable from the treasurer of the Colony as the payment of the sum mentioned therein would be. And the said Mead shall be accountable for all such money by him received to the committee of said society, who are impowred to order him to pay the same, as need shall require, for the use aforesaid. Provided the money belonging to the schools in said town be not hereby granted for the use aforesaid, which the said constable is ordered to dispose of as the law directs.

A List of the Rateable Estate of the respective Towns in this Colony.

	£	s.	d.		£	s.	d.
Hartford,	27775 :	2 :	3	Newhaven,	36242 :	10 :	11
Fairfield,	30552 :	12 :	0	Newlondon,	18985 :	6 :	6
Windham,	13003 :	2 :	6	Farmingtown,	19367 :	9 :	6
Norwich,	25428 :	11 :	5	Stratford,	26436 :	6 :	0
Stoningtown,	20833 :	7 :	0	Wethersfield,	21478 :	18 :	4

	£	s.	d.		£	s.	d.
Milford,	22448	17	0	Lyme,	15686	3	2
Windsor,	23000	17	0	Guilford,	19820	5	4
Saybrook,	13384	9	3	Lebanon,	19972	4	0
Midletown,	21602	7	0	Norwalk,	19231	12	6
Colchester,	12361	12	0	Killingsworth,	8246	0	5
Hebron,	6683	4	0	Killingly,	7146	18	0
Haddam West,	6119	18	6	Plainfield,	6779	5	9
Mansfield,	5298	17	6	Groton,	13712	9	0
Wallingford,	21721	9	2	Stanford,	17816	9	8
Simsbury,	9099	14	0	Greenwich,	11558	16	0
Coventry,	5999	16	6	Haddam East,	10144	8	0
Danbury,	8764	13	0	Glassenbury,	7058	9	3
Durham,	7569	18	7	Woodbury,	8531	16	0
Preston,	11524	13	3	Canterbury,	7035	16	0
Pomfrett,	7361	6	0	Branford,	14484	0	6
Derby,	5801	14	3	Waterbury,	5024	15	0

This Assembly do establish and confirm Mr. John Breed to be Ensign of the third company or trainband in the town of Stoningtown, and order that he be commissioned accordingly.

[12] Upon the petition of Jeremiah Calkins of Lebanon in the county of Windham *vs.* Joseph Trumble, jun^{r}, of the same place, complaining of a judgment of the superiour court in Windham in September, 1728, given against him in favour of said Trumble, in an action of trover and conversion, and praying for another tryal in said case, for the reasons assigned: Resolved by this Assembly, that the petitioner have liberty of a new tryal of said case at the superiour court to [be] holden at Windham in March next, and that the cost of the new tryal only follow the judgment.

An Act in Addition to the Act passed this present Sessions, relating to the Affairs of the First Society in Stoningtown.

Be it further enacted, That the inhabitants of the said society that have separated themselves and do meet in the new meeting house lately set up on Agreement Hill, shall not, without further order from this Assembly, pass any vote or votes to tax the inhabitants of said society that do meet in the meeting house called the Center or Eastern meeting house, for the support of the ministry in said society, or in any other parish charge. And the said inhabitants that meet in the said center meeting house are directed to continue an orthodox preacher of the gospel with them, to preach in the said center house.

This Assembly do appoint Capt. David Buell to be Justice of the Peace in the county of Newlondon.

Upon the memorial of Daniel Brewster, jun^r^, Obadiah Heath, and Stephen Herrick, who were listers for the town of Preston for the year 1728, moving to this Court that, by a mistake, a misentry was made on the publick records, of the fourfold assessment sent from the town of Preston by said listers in the year 1729, the sum of £699 0*s.* 0*d.* by reason of which said listers have not yet received their part of the said assessment as by law they are intituled to: This Court being fully satisfied thereof, do therefore grant to said listers the sum of two pounds sixteen shillings and six pence money, to be paid to said listers or their order by the treasurer of this Colony out of the treasury, and a copy of this act shall be his discharge.

This Assembly observing that, notwithstanding it was resolved by this Assembly in the 7th year of Queen Ann, that all collectors of rates and taxes have full power and authority to collect any part of the rate after their year is up, yet if the collector be by death removed after the year is expired there is no provision in the law for the collecting that which may then happen to be behind,

Be it now enacted by the Governour, Council and Representa-
[13] *tives,* || *in General Court assembled, and by the authority of the same,* That the executors or administrators of such deceased collector shall have the same power and authority to collect any and every part of the rate not paid to the said collector in his life time, as the said collector would have had, had he been then alive.

And further it is provided, That this act shall enure to the benefit of the executors or administrators of such deceased collectors for the time past as well as for the time to come.

And it is further provided, That all executors and administrators of collectors shall be responsible for the rates as the collectors are by law.

And the question being put, whether it be in the power and is the duty of every town and society in this Colony, on the death of any collector before their year be up and the rate not fully collected, do proceed forthwith to the choice of a new collector for the gathering the remaining part of the rate: Resolved in the affirmative.

An Act in Addition to an Act entituled An Act concerning Fencing particular Inclosures.

Whereas in said act no provision is made or liberty given for persons whose lands border on each other, to set any part of a stone fence or wall at any distance from the dividend line between such persons,

Be it therefore further enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be a liberty for either party so bordering on each other, to set the one half of the width of such stone fence or wall on each side from the dividend line between such persons; provided it exceed not one foot and an half from said line on his neighbour's land.

Whereas this Assembly did in May last, upon the memorial of the agents of the town of Lebanon praying for a patent for the lands there, appoint Mathew Allyn and Roger Wolcott, Esq^{rs}, to repair to said town and hear all parties, and enquire into the circumstances of the lands there, and to make report to this Assembly, in order to their having a patent; and the said Allyn and Wolcott having been there and inquired thereinto, but they not being able to finish and compleat their report before the said Wolcott was called into the affairs of this government to run the Colony line with New York, so that the same cannot be done: It is therefore resolved by this Assembly, that the said Allyn and Wolcott, Esq^{rs}, compleat their report on the premises, and prefer the same to this Assembly at their sessions in May next.

[14] This Assembly having been informed that Jeremiah Dummer, Esq^{r}, who for sundry years past hath acted as agent for the Governour and Company of this Colony, and was thereunto authorized by a power of attorney under the seal of this corporation, hath left the court of Great Britain and liveth in the country, and therefore not like to be serviceable to the Colony as formerly: Whereupon his Honour the Governour is desired to write Jeremiah Dummer, Esq^{r}, and return the thanks of this Assembly to him for the pains he hath taken in our affairs, and further to signify to said Dummer that this Assembly are otherwise provided with an agent, and therefore have no occasion to trouble Mr. Dummer any further in our affairs.

Upon consideration that divers persons are by this Assembly ordered to be sent to the work-house in Hartford, and that there is no well or water nigh said house: This Assembly do order and impower Nathaniel Stanly to cause a well to be dug for the use of the family, &c^{a}, that may be obliged there to live, and that it be done at the government's charge.

His Honour the Governour and Nathaniel Stanly, Esq^{r}, having laid before this Assembly the votes and doings of the town of Symsbury at a town meeting holden at Simsbury the 28th day of July last past, respecting their being one society and agreeing to build a meeting house at Bissell's Landing

Place, for the publick worship of God: This Assembly do approve of said report, and order that said town do proceed to build accordingly.

This Assembly do nominate and appoint Francis Wilks of London, Esq^{r}, to be Agent at the Court of Great Britain for and in behalf of the Governour and Company of this Colony of Connecticutt; and the said Francis Wilks is hereby fully authorized and impowred, in the name and behalf of the Governour and Company of this his Majesties Colony, to appear before his Majesty or any of his courts at Westminster, or other court in Great Britain, then and there to manage, act and defend, in any matter or thing wherein this Colony may be concerned; and that a proper power of attorney be accordingly made out, to be under the seal of the corporation and signed by the Governour and Secretary, which shall be by the first opportunity sent to the said Francis Wilks, Esq^{r}.

This Assembly do establish and confirm Mr. Theophilus Munson of New Haven, to be Lieutenant of the second company or trainband in the town of New Haven aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Ball of New Haven, to be Ensign of the second company or trainband in the town of New Haven aforesaid, and order that he be commissioned accordingly.

[15] Upon the memorial of Capt. George Philips, Nathaniel Bacon, Jabez Hamlin, Edward Higbey, William Whittmore, and Robert Warner, inhabitants of the town of Midletown, representing to this Assembly the great pains and expence they have been at to clear a certain place in the great river near adjacent to the mouth of the little river, otherwise called the Ferry river, in said town, and bordering on common and undivided land, and render it convenient for carrying on a fishery there, and praying this Assembly to grant them a liberty to improve the said place for the space of ten years in fishing, &c^{a}., and that they may not be disturbed or hindered in said affair by any person whatsoever: This Assembly grants to the memorialists the sole use and improvement of the place aforesaid, in the business aforesaid, for and during the space of ten years next ensuing, and that no person shall presume to interrupt or any way molest them in said affair during the whole of said term, on penalty of forty shillings, to be recovered by action of trespass in common form.

Resolved by this Assembly, That Mr. Richard Christophers, Mr. John Plumb and Capt. Joshua Hempstead, be a committee in behalf of this Assembly, to receive of the executors of

the late Hon^ble Governour Saltonstall the arms used in the expedition against Canada, now in the custody of said executors; who are hereby impowred to receive the same and give a receipt to said executors of the arms they shall so receive. And the said committee, or any two of them, are hereby further directed, by the first good opportunity to ship the said arms on board some coasting vessel bound to Hartford, consigning them to Nath^ll Stanly, Esq^r, at Hartford, aforesaid, who is hereby desired to receive the same and lodge them in the state house there.

Upon the memorial of Peter Hogenboom, praying for liberty to purchase a small tract of land at Weatauge, on the east side of Ousatunnuck river, in a bend of said river in form of a neck, as described in his memorial, and praying for a grant of the same: Upon consideration whereof, this Court grants to the said Peter Hogenboom the said neck of land, upon these conditions, that he purchase the native right and procure, under the hand of the surveyor of the county of Hartford, the number of acres therein contained, to this Assembly at Hartford in May next, and then and there pay into the publick treasury of this Colony five pounds per acre for what said neck shall measure, and then he, said Hogenboom, may have a patent for the said neck of land.

Upon the petition of Obadiah Horsford, &c^a. *vs.* Michael Taintor, &c^a., the question was put, whether the pleas offered in bar of the same are sufficient: Resolved by this Assembly in the affirmative. *Cost allow'd respond't is* £2 15*s.* 0*d*, *Ex. granted Febry* 24*th*, $17\frac{30}{31}$.

[16] A Question propounded to this Assembly on the law of this Colony entituled An Act for the ease of such as soberly dissent from the way of worship and ministry established by the laws of this government, (viz:) whether any such persons as profess themselves of the congregational or presbyterian persuasion, (so-called,) since they are allowed and under the protection of our laws, ought to qualify themselves as mentioned in the aforesaid act, in order to their meeting to perform divine worship: Resolved in the negative.

An Act in Addition to the Law entituled An Act concerning Common Fields and Fences.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the committee annually chosen, according to the direction of said law, shall have power, and they are hereby impowred, when and so often as any person or persons shall purchase any lands within such common field, they shall set out to such purchasers their proportion of fence, according

to the quantity of land purchased; and the charge of the committee therein to be defrayed by such purchaser.

This Assembly grants his Honour, the Deputy Governour, the sum of one hundred pounds for his salary this current year, to be paid in bills of credit out of the publick treasury.

This Assembly grants to the printer twenty-five pounds for his half years salary this year, to be paid out of the publick treasury.

This Assembly grants to the Secretary eight pounds out of the publick treasury, for his salary this year.

A Question being propounded to this Assembly upon the law entituled An Act directing proceedings against forceable entry and detainer, whether the authority before whom any person or persons are convicted in due form of law of any forceable entry or detainer, in such causes only where the nature of the fact or facts are such as are cognizable before the said authority, such authority shall tax bills of cost and grant execution accordingly: Resolved in the affirmative.

Upon the memorial of Jacob Drake, of Windsor in the county of Hartford, shewing to this Assembly that he, said Drake, had preferred a petition to this Assembly for the reversal of a judgment obtained against him by John Arnold in September last, which said petition was preferred in such form as could not be heard by this Assembly, therefore prays [17] execution may be stopped || till May next: This Assembly do order that execution be estopped, and if any thing taken by execution already, to be returned, and all things of this kind cease till the sessions of this Assembly in May next, where said Drake is to prefer a petition in due form, and answer all damages if he does not prosecute his petition to effect, he giving sufficient bond with sureties to Mathew Allyn, Esq^{r}, for the aforesaid prosecution.

The whole record of the several acts, grants and orders of this Assembly, as they stand entered in the pages of this book next preceding, were read in the presence of both Houses, and ordered to be signed by the Secretary as perfect and compleat.

GEORGE WYLLYS, Secret^{r}y.

This Court is adjourned till the Governour or, in his absence, the Deputy Governour shall see cause to call them to meet again.

[18] *CONNECTICUTT COLONY.*

At a General Assembly holden at Hartford in his Majesties English Colony of Connecticutt, in New England, in America, on Thursday the 13th day of May, anno regni Regis Georgii secundi, Magnæ Britanniæ, &c[a]. quarto, annoque Dom. 1731.*

Present at this Assembly,

The Honourable Joseph Talcott, Esq[r]., Governour.
The Hon[ble] Jonathan Law, Esq[r], Deputy Governour.

Samuel Eells,	Esq[rs],	Joseph Whiting,	Esq[rs], *Assistants.*
Mathew Allyn,		Ozias Pitkin,	
Roger Wolcott,		Timothy Pierce,	
James Wadsworth,		John Burr,	
John Hooker,		Samuel Lynde,	
Nathaniel Stanly,		Edmund Lewis,	

Representatives or Deputies that were returned to attend at this Assembly are as followeth, (viz:)

Capt. John Marsh, Capt. William Pitkin, for Hartford.
Capt. Stephen Prentiss, Mr. John Richards, for Newlondon.
Mr. Richard Abbee, Mr. Jabez Huntington, for Windham.
Capt. James Avery, Capt. John Morgan, for Groton.
Capt. Roger Newton, Capt. Samuel Gunn, for Milford.
Mr. Benj[a] Skinner, Capt. Nath[ll] Phelps, for Hebron.
Capt. Sam[ll] Mather, Mr. Henry Wolcott, for Windsor.
Mr. Joseph Backus, Mr. Isaac Huntington, for Norwich.
Capt. Joseph Platt, for Norwalk.
Capt. Tho[s] Huntington, Mr. Experience Porter, for Mansfield.
Capt. James Lewis, Mr. Ephraim Curtice, for Stratford.
Capt. Henry Crane, Mr. Nath[ll] Sutliff, for Durham.
Capt. Joseph Preston, Mr. Noah Hinman, for Woodbury.
Mr. John Grigory, Capt. James Beebee, for Danbury.
Mr. Jos. Phelps, Mr. Joseph Case, for Symsbury.
Capt. Isaac Dickerman, Capt. Jonathan Alling, for Newhaven.
Mr. Samuel Burr, Mr. Ebenezer Silliman, for Fairfield.
Mr. Joseph Leavens, Capt. Sampson How, for Kellingley.
Capt. Samuel Hill, Mr. Benjamin Strong, for Guilford.
Capt. Daniel Brewster, Mr. John Cook, for Preston.
Mr. Giles Hall, Mr. George Phillips, for Midletown.
Capt. David Buell, Mr. John Lane, for Killingsworth.
Mr. John Bulkley, Mr. Nath[ll] Foot, for Colchester.

* The Journal of the Upper House extends only to May 20th.

Mr. Ebenezer West, Capt. Joseph Marsh, for Lebanon.
Mr. John Crerey, Mr. William Marsh, for Plainfield.
Capt. John Riggs, Mr. Francis French, for Derby.
Mr. Joseph Strong, Mr. Thomas Porter, for Coventry.
Mr. John Noyce, Mr. Theophilus Baldwin, for Stoningtown.
Mr. Isaac Kendall, Mr. Thos Tiffeny, junr, for Ashford.
Mr. Joseph Lewis, Capt. William Judd, for Waterbury.
[19] Coll. David Goodrich, Mr. John Curtiss, for Weathersfield.
Capt. Jonathan Hoit, Mr. John Bell, for Stanford.
Capt. John Lyon, Capt. James Reignolds, for Greenwich.
Capt. Theophilus Yale, Mr. Samuel Hall, for Wallingford.
Mr. Anthony Judd, Mr. Daniel Wadsworth, for Farmingtown.
Capt. Caleb Cone, for West Haddam.
Capt. Thomas Wells, Mr. David Hubbard, for Glassenbury.
Mr. Elisha Paine, Mr. Solomon Tracy, for Canterbury.
Capt. John Russell, Mr. William Gould, for Branford.
Majr John Sabin, Mr. Jonathan Dressor, for Pomfrett.
Mr. Samll Willard, Capt. Samuel Pratt, for Saybrook.
Capt. Roger Newton, Speaker, } of the House of Repre-
Capt. John Russell, Clerk, } sentatives.*

This day being appointed by charter and the laws of this Colony for the election of the publick officers of this corporation, (viz:) the Governour, Deputy Governour, Assistants, Treasurer, and Secretary,—proclamation being made, the freemen proceeded to bring in their votes to persons chosen by the Governour, Council and Representatives, to receive, sort and count them.

The persons so chosen and appointed were, Mathew Allyn, Esqr, James Wadsworth, Esqr, Nathaniel Stanly, Esqr, Joseph Whiting, Esqr, Tim. Pierce, Esqr, John Burr, Esqr, Samuel Lynde, Esqr, Coll. David Goodrich, Mr. Daniel Wadsworth, Capt. John Russell, Capt. Isaac Dickerman, Capt. David Buel, Mr. Joseph Backus, Mr. Ebenezer Silliman, Capt. Joseph Platt, Mr. Richard Abbey, and Mr. Joseph Strong. And the freemen's votes being bro't in, sorted and counted,

The Honourable Joseph Talcott, Esqr, was chosen Governour of this Colony for the year ensuing.

The Honble Jonathan Law, Esqr, was chosen Deputy Governour of this Colony for the year ensuing.

Samuel Eells, Esqr, Mathew Allyn, Esqr, Roger Wolcott, Esqr, James Wadsworth, Esqr, John Hooker, Esqr, Nathaniel

* Capt. Stephen Lee and Capt. John Colt, as also Mr. Daniel Ely and Mr. Moses Noyes, were returned as Representatives from Lyme, but were none of them admitted to seats. The Lower House passed a bill ordering a new election to be held on the 18th.

Stanly, Esq^{r}, Joseph Whiting, Esq^{r}, Ozias Pitkin, Esq^{r}, Timothy Pierce, Esq^{r}, John Burr, Esq^{r}, Samuel Lynde, Esq^{r}, Edmund Lewis, Esq^{r}, were chosen Assistants of this Colony for the year ensuing.

Mr. John Whiting was chosen Treasurer of this Colony for the year ensuing, and had the treasurer's oath administred to him in the presence of this Assembly.

Mr. Hezekiah Wyllys was chosen Secretary of this Colony for the year ensuing, and was accordingly sworn to that office and trust in the presence of this Assembly.

The Governour's oath and the oath required by act of Parliament relating to trade and navigation was administred to his Honour the Governour in the presence of this Assembly.

[20] The Hon^{ble} Jonathan Law, Esq^{r}, had the Deputy Governour's oath administred to him in the presence of this Assembly.

Mathew Allyn, Esq^{r}, James Wadsworth, Esq^{r}, Nathaniel Stanly, Esq^{r}, Joseph Whiting, Esq^{r}, Timothy Pierce, Esq^{r}, John Burr, Esq^{r}, Samuel Lynde, Esq^{r}, had the Assistant's oath administred to them in the presence of this Assembly.

This Assembly do appoint the Hon^{ble} Jonathan Law, Esq^{r}, to be Chief Judge of the Superiour Court for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, James Wadsworth, Esq^{r}, and John Hooker, Esq^{r}, to be Assistant Judges of the Superiour Court for the year ensuing.

This Assembly do appoint Roger Wolcott, Esq^{r}, to be Judge of the County Courts in the county of Hartford for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^{r}, to be Judge of the County Courts in the county of New Haven for the year ensuing.

This Assembly do appoint Samuel Lynde, Esq^{r}, to be Judge of the County Courts in the county of Newlondon for the year ensuing.

This Assembly do appoint John Burr, Esq^{r}, to be Judge of the County Courts in the county of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^{r}, to be Judge of the County Courts in the county of Windham for the year ensuing.

This Assembly do appoint the Honourable Joseph Talcott, Esq^{r}, to be Judge of the Court of Probate in the district of Hartford for the year ensuing.

This Assembly do appoint Joseph Whiting, Esq^{r}, to be Judge of the Court of Probate in the district of Newhaven for the year ensuing.

This Assembly do appoint Mr. John Plumb to be Judge of the Court of Probate in the district of Newlondon for the year ensuing.

This Assembly do appoint John Burr, Esq^{r}, to be Judge of the Court of Probate in the district of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^{r}, to be Judge of the Court of Probate in the district of Windham for the year ensuing.

This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate in the district of Guilford for the year ensuing.

This Assembly do appoint Mr. Joseph Minor to be Judge of the Court of Probate in the district of Woodbury for the year ensuing.

This Assembly do appoint Mr. Jonathan Hoyt to be Judge of the Court of Probate in the district of Stanford for the year ensuing.

[21] *Ordered by this Assembly*, That Joseph Whiting and John Burr, Esq^{rs}, return the thanks of this Assembly to the Reverend Mr. Samuel Whittelsey, for his sermon delivered before the Assembly on the 13th instant, and desire him to grant a copy, that it may be printed.

This Assembly do appoint John Hamlin, Esq^{r}, Capt. Samuel Mather, Coll. David Goodrich, Capt. William Wadsworth, Capt. William Pitkin, Capt. Joshua Robbins, Capt. James Wells, Capt. Hez. Wyllys, Capt. Thomas Gates, Capt. John Marsh, Mr. Benjamin Skinner, Mr. Josiah Goodrich, Capt. John Bissell, Mr. Giles Hall, Capt. Thomas Wells, Capt. John Buell, Mr. Joseph White, Mr. Nathaniel Foot, and Mr. John Bulkley, jun^{r}, to be Justices of the Peace in and for the county of Hartford for the year ensuing.

This Assembly do appoint John Hamlin, Esq^{r}, Mr. Samuel Mather, Coll. David Goodrich, Mr. William Wadsworth, and Mr. William Pitkin, to be of the Quorum in the county of Hartford for the year ensuing.

This Assembly do appoint Mr. John Plumb, Mr. Daniel Palmer, Mr. Joseph Backus, Mr. Abram Pierson, Mr. John Brown, Mr. Thomas Lee, Mr. John Griswould, Mr. Joshua Hempstead, Mr. James Avery, Mr. John Cook, Mr. Jabez Hide, Mr. John Noyes, Mr. James Morgan, Mr. David Buell,

Mr. Joseph Blake, and Mr. Samuel Willard, to be Justices of Peace in and for the county of Newlondon for the year ensuing.

This Assembly do appoint Mr. John Plumb, Mr. Daniel Palmer, Mr. Joseph Backus, Mr. Abram Pierson, and Mr. John Brown, to be of the Quorum in the county of Newlondon for the year ensuing.

This Assembly do appoint Mr. Thomas Huntington, Mr. Ebenezer West, Mr. Joseph Addams, Mr. Richard Abbee, Mr. Josh. Ripley, Mr. Joseph Strong, Mr. John Fitch, Mr. John Woodward, Mr. Joseph Leavinz, Mr. Peter Buell, Major John Sabin, to be Justices of the Peace in the county of Windham for the year ensuing.

This Assembly do appoint Mr. Thomas Huntington, Mr. Ebenezer West, Mr. Joseph Addams, and Mr. Richard Abbee, to be of the Quorum in the county of Windham for the year ensuing.

This Assembly do appoint Mr. Samuel Bishop, Mr. Warham Mather, Mr. James Hooker, Mr. John Riggs, Mr. Roger Newton, Mr. Thomas Judd, Mr. Janna Meiggs, Mr. Samuel Brunson, Mr. Theophilus Yale, Mr. Samuel Gunn, Mr. Henry Crane, Mr. John Russell, Mr. Joseph Hull, Mr. Samuel Hall, and Mr. John Hotchkiss, to be Justices of the Peace in the county of Newhaven for the year ensuing.

This Assembly do appoint Mr. Samuel Bishop, Mr. James Hooker, Mr. John Riggs, and Mr. Roger Newton, to be of the Quorum in the county of Newhaven for the year ensuing.

[22] This Assembly do appoint Mr. Joseph Platt, Mr. Moses Dimon, Mr. Joseph Minor, Mr. Andrew Burr, Mr. John Thompson, Mr. Samuel Peck, Mr. Joshua Knapp, Mr. Joseph Bishop, Mr. John Copp, Mr. Thomas Fitch, jun^{r}, Mr. Samuel Couch, Mr. John Gold, Mr. Richard Osborn, Mr. John Grigory, Mr. James Beebee, Mr. William Preston, Mr. Thomas Bennitt, Mr. Thomas Tousey, and Mr. Jonathan Hoyt, and Mr. Ephraim Curtice, to be Justices of the Peace in the county of Fairfield for the year ensuing.

This Assembly do appoint Mr. Joseph Platt, Mr. Joseph Minor, Mr. Andrew Burr, and Mr. John Thompson, to be [of the] Quorum in the county of Fairfield for the year ensuing.

This Assembly do appoint John Burr and Samuel Lynde, Esq^{rs}, Capt. William Pitkin, Mr. John Bell, Mr. Experience Porter and Mr. John Richards, to be Auditors to audit the Colony accounts with the Treasurer.

This Assembly do establish and confirm Mr. Jonathan Belding of Weathersfield to be Lieutenant of the first company

or trainband in the town of Weathersfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Robbins of Weathersfield to [be] Ensign of the first company or trainband in the town of Weathersfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Peter Ward of Killingsworth to be Captain of the first company or trainband in the town of Killingsworth aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Stephens of Killingsworth to be Lieutenant of the first company or trainband in the town of Killingsworth aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Shether of Killingsworth to be Ensign of the first company or trainband in the town of Killingsworth aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Scranton of Guilford to be Captain of the company or trainband at the parish of East Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Hodgkins of Guilford to be Lieutenant of the company or trainband at the parish of East Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benj[a] Blachly of Guilford to be Ensign of the company or trainband at the parish of East Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Ferris of Greenwich to be Ensign of the east company or trainband in the town of Greenwich aforesaid, and order that he be commissioned accordingly.

[23] This Assembly do establish and confirm Mr. Thomas Harrisson of Branford to be Captain of the north company or trainband in the town of Branford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Beers of Branford to be Lieutenant of the north company or trainband in the town of Branford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Hart of Farmingtown to be Captain of the first company or trainband

in the town of Farmingtown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Giles Hooker of Farmingtown to be Lieutenant of the first company or trainband in the town of Farmingtown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Crane to be Lieutenant of the company or trainband at the west parish in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Sanford of New Haven to be Ensign of the company or trainband in the parish of North Haven in the town of Newhaven aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Dickson of Voluntown to be Ensign of the company or trainband in the town of Voluntown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Wolcott of Weathersfield to be Captain of the second company or trainband in the town of Weathersfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Gideon Wells of Weathersfield to be Lieutenant of the second company or trainband in the town of Weathersfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elizur Goodrich of Weathersfield to be Ensign of the second company or trainband in the town of Weathersfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Thompson of Newhaven to be Ensign of the second company or trainband in the town of Newhaven aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Bissell of Windsor to be Lieutenant of the north company or trainband on the east side of Connecticutt river in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Judson of Stratford to be Ensign of the first company or trainband in the town of Stratford aforesaid, and order that he be commissioned accordingly.

[24] Upon the memorial of John Hubbard and Daniel Hubbard, resident in Newhaven, setting forth that this Assembly in its session at Hartford, October 8th, 1668, granted to one William Lewis of Hartford two hundred acres of land, and in its session in May, 1675, this Assembly granted to one Capt. William Lewis of Farmingtown two hundred acres more of land, to be taken up in the ungranted lands of this government; and that the said grants first mentioned of two hundred acres of land descended to the said Captain William Lewis, only son and heir of said William Lewiss; and that in a legal distribution of the estate of the said Capt. William Lewiss, the said grants (having been surveyed and layed out in ungranted lands near the east bounds of Wallingford) descended to and became the interest of one Ebenezer Lewiss of Wallingford, who conveyed the said four hundred acres of land, as it had been surveyed in the place abovementioned, to Mr. John Hubbard of Jamaica, father of the said memorialist, who in his life time doubted not of his title to said land in the place aforesaid, and at his death it became the estate of the said John and Daniel Hubbard, who supposed they had a good title to the same, till on enquiry they found that the doings of the committee ordered to survey and lay out said lands had not been duly returned, nor put on the publick records; and the said lands having been surveyed within the limits of that tract patented by this Assembly to the proprietors of Durham, the said John Hubbard and Daniel Hubbard were thereby defeated of their just right; and praying this Assembly to grant them an equivalent therefor in the ungranted lands of this Colony: In consideration whereof, this Assembly grants liberty to the said John and Daniel Hubbard, to procure three hundred acres of land to be surveyed in the ungranted lands on the west side of Ousatunnock river, by the surveyour of the county of Fairfield, as an equivalent for the lands mentioned in the grants above referred to; on condition that neither they, the said John and Daniel Hubbard, nor their heirs, make any demand on the heirs of Ebenezer Lewiss deceased, of whom the said Hubbards' predecessor purchased the original grants.

Upon the petition of the inhabitants of the first society in Windham, shewing to this Assembly that there is a considerable number of inhabitants in the east part of the said society that have often moved to be set off to be a society distinct by themselves: This Assembly do therefore authorize and appoint Messrs. Ebenezer West and John Woodward of Lebanon, and Joseph Strong of Coventry, to be a committee to repair to said

society, and there to enquire into their circumstances; and if they judge (all things considered) that there ought to be a new society set off on the east part, that then they state and affix a dividend line to run across said society north and south, making the east part a distinct society by itself, so as to include those persons that dwell on the east of said line; and to make return of their doings thereon to the General Assembly to be holden at Newhaven in October next, for their confirmation.

[25] Upon the memorial of Joseph Fitch and Samuel Hide, &c^{a}., inhabitants of the southerly part of the first society in Lebanon, dated May 1st day, 1731, shewing the difficulties that are in said society, in respect of a difference amongst the inhabitants of said society with respect to a place for the setting of a meeting house in; which also appears by the memorial of Joseph Marsh, William Clark and Ebenezer Gray, and others of the inhabitants of the northwardly part of said society, dated Febr'y the 3d, $17\frac{3}{3}\frac{0}{1}$; some of them supposing that the said society may in time to come be sufficient to make two societies, and therefore right to have it set where it was voted by said society on the 11th of January last, on the conditions therein voted, and also that it is even the right place if it never be able to be two societies; some again supposing that it will never do for two societies, and therefore the place where it is voted not the right place; praying to this Assembly for relief: it is resolved, that Major Roger Wolcott, James Wadsworth, Esq^{r}, and Capt. William Pitkin, or any two of them, be a committee to repair to Lebanon, at the cost of the society aforesaid, and to hear the parties on the said matters of controversy, and then and there finally to determine the controversy aforesaid, in such manner as shall appear to them most just and right; and that the judgment of said committee, or any two of them, delivered to said society, or any representing them, shall be a sufficient warrant to the society committee appointed by said society, to build the new meeting house, or the major part of said committee to proceed accordingly. And if anything shall be by said committee advised to be done, that shall want further confirmation of this Assembly, said committee are to make report thereof to the Assembly in October next, for their confirmation.

Upon the petition of Benjamin Judd of Farmingtown *versus* John Chester and Martin Kellogg of Weathersfield, complaining of a judgment of the county court at Hartford adjourned to the 9th day of Feb'y last from November last,

allowed to said Judd by order of this Assembly in May last, and given against said Judd, that the said tryal was not according to the directions of that Assembly; praying for the liberty of another tryal before the county court to be holden at Hartford in June next: It is resolved by this Assembly, that the petitioner be allowed another tryal at the county court aforesaid in June next, he paying the whole cost of tryal to this time, under the restrictions limited and directed by this Court in May last in their allowance of the last tryal.

This Assembly do establish and confirm Mr. James Talmage of Newhaven, to be Cornet of the Troop in the county of Newhaven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Holt, of Newhaven, to be Quarter-Master of the Troop in the county of Newhaven, and order that he be commissioned accordingly.

[26] This Assembly do establish and confirm Mr. Thomas Miles of Wallingford, to be Captain of the west company or trainband in the first society in the town of Wallingford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Howkins Hart of Wallingford, to be Lieutenant of the west company or trainband in the first society in the town of Wallingford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Hoult of Wallingford, to be Ensign of the west company or trainband in the first society in the town of Wallingford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Isaac Cowles of Farmingtown, to be Captain of the second company or trainband in the town of Farmingtown aforesaid, and order that he be commissioned accordingly.

Joseph Woodruff, of Farmingtown, is by this Assembly established and confirmed Lieutenant of the second company or trainband in the town of Farmingtown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Newell of Farmingtown, to be Ensign of the second company or trainband in the town of Farmingtown aforesaid, and order that he be commissioned accordingly.

The Additions of the Lists sent in from the several Towns in this Government, viz:

	Additions.			*Fourfold assessments.*		
		s.	*d.*	*l.*	*s.*	*d.*
Hartford,	£184	0	0	0	0	0
Weathersfield,	436	18	0	485	0	0

		s.	d.		l.	s.	d.
Farmingtown,	£193	0	0		402	4	0
Glassenbury,	412	0	0		022	0	0
Wallingford,	056	0	0				
Midletown,	722	16	0				
Waterbury,	214	0	0				
Norwich,	449	5	8		45	0	0
Norwalk,	5	0	0		590	0	0
Derby,	260	0	0				
Plainfield,	83	17	0				
Milford,	360	14	7		26	12	0
Saybrook,	259	6	0		27	15	0
Guilford,	1023	0	9		114	17	6
Newhaven,	660	14	0				
Stanford,	179	2	3		132	4	0
Lyme,	275	17	6		633	0	0
Durham,	74	0	0				
Preston,	143	10	0		326	0	0
West Haddam,	109	2	0		82	12	0
Coventry,	20	0	0		79	16	0
Windsor,	1215	13	0		420	16	0
Windham,	322	12	6				
Greenwich,	1248	11	0				
Groton,	190	0	0				
Killingsworth,	29	9	0		548	0	0
Canterbury,	296	15	0		462	16	0
Stratford,	279	18	0		38	12	0
Pomfrett,	139	0	0				
Fairfield,	825	16	6		1382	12	0
Woodbury,	420	12	0		41	12	0
Simsbury,	270	5	0		452	8	0
Stoningtown,	410	7	6		1538	12	0

[27] Upon the memorial of the inhabitants of the town of Wellington, shewing to this Assembly that the number of inhabitants in said town is yet small, and their circumstances such that they are unable to go through with the difficulties of building a meeting house and supporting the ministry in said town without the favour of this Assembly, heretofore shewn them in granting a tax of eight shillings per hundred acres on all the lands in said town, and praying this Assembly for a continuance of the like favour, for the space of four years next coming: This Assembly grants a tax of eight shillings per hundred acres, on all lands in the township of Willington, for the space of four years next coming, (exclusive of the mile of land by this Assembly annexed to said Welling-

ton,) to be paid according to the act of this Assembly in May, 1727. And this Assembly doth order and appoint that Roger Wolcott, Esq^r, the Reverend Mr. Samuel Woodbridge, Mr. John Merrick and Mr. Eleazer Hubbell, be a committee to see that a rate be made and collected by Wellington collector, and the money collected expended to the ends above expressed.

Whereas many watercourses, and places where waters in wet times do dreyn off, do often times thrô the washing of the streets and improved lands fill up, so that the highways are flowed and damnified: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That it shall be lawful for the surveyours of highways to clear such water courses, (or places where water may dreyn off from such highways,) into or through any persons land, so far as may sufficiently dreyn such highway.

Jacob Drake of Windsor preferred his petition to this Court against John Arnold of Mansfield, informing this Court that the said John Arnold brought his action against the petitioner, demanding three hundred and fifty pounds damages, as by his writ dated November 25th, 1729, doth appear; which action had its final tryal at the superiour court holden at Windham in September last; at which tryal the plaintiff in that action made an insufficient plea in his replication to the answer of the defendant, and the defendant by traversing the same, instead of demurring thereunto, lost his action, and the plaintiff recovered judgment against him for the sum of three hundred pounds damages, and six pounds two shillings and six pence costs; and thereupon praying this Assembly would grant him liberty of a new tryal of said action at the superiour court to be holden at Windham in September next. The parties being fully heard and considered: It is resolved, that the petitioner shall have a new tryal of said action at the superiour court to be holden at Windham in September next, by a demurrer to the replication of the plaintiff; and the whole cost shall follow the judgment.

[28.] Upon the motion of Ebenezer Warner of Windsor, praying this Assembly to free him from paying any rate or publick tax for his head for the future: This Assembly doth grant the prayer of the petitioner, and order that his head be freed from rates and publick taxes for the future.

Upon the motion of Robert Reeve of Hartford, praying this Assembly to exempt his head and estate from paying any publick taxes for the future: This Assembly doth grant the

prayer of the petitioner, and order that his head be exempted from the publick list, and his estate from paying taxes, during life.

This Assembly having now heard the motion of Peter Hogenboom for a patent of nine acres and an half and thirty-six rods of land, being a neck of land lying on the east side of Ousatunnuck river, surveyed by Mr. Jonathan Burnham on May the 7th, 1731, and considering that the said Peter Hogenboom has not produced to this Assembly a deed of purchase of said land from the Indian claimers thereof: It is resolved, that upon the said Peter Hogenboom his producing to his Honour the Governour a deed of his purchase of said lands from the Indians, and also a receipt from the Treasurer for the sum of forty eight pounds and twelve shillings, received of said Peter Hogenboom for said lands for the use of this his Majesty's Colony, that thereupon the Governour and Secretary shall execute a patent to him for said lands.

An Act for granting a Patent to the Proprietors of Bolton for the Land lying within said Township.

Whereas by order of this Assembly that tract of land lying in the county of Hartford and is bounded west on the town of Hartford and on the town of Windsor, north on the town of Windsor, east on the town of Coventry and Tolland, and south on the town of Hebron, has been granted to Roger Wolcott, Esq^{r}, Capt. John Bissell, Lt. John Talcott, Mr. Thomas White, Timothy Olcott, Francis Smith, Thomas Pitkin, Daniel Dart, sen^{r}, Nathaniel Loomiss, Samuel Bartlett, Joel White, Jonathan Strong, Thomas Loomiss, Jabez Loomiss, Benjamin Talcott, Joseph Collier, Daniel Dart, Ebenezer Dart, Mathew Dewolph, Cornelius Birge, Ephraim Tucker, and other proprietors of said land, as appears upon record: And whereas the said grantees and proprietors of said lands have applied themselves to this Assembly for a patent under the seal of this corporation, for the passing over and confirming the said lands to them:

It is thereupon resolved, That the said Roger Wolcott, Esq^{r}, Capt. John Bissell, Lt. John Talcott, Mr. Thomas White, Timothy Olcott, Francis Smith, Thomas Pitkin, Daniel Dart, [29] sen^{r}, || Nathaniel Loomiss, Samuel Bartlett, Joel White, Jonathan Strong, Thomas Loomiss, Jabez Loomiss, Benjamin Talcott, Joseph Collier, Daniel Dart jun^{r}, Ebenezer Dart, Mathew Dewolph, Cornelius Birge, Ephraim Tucker, and the rest of the proprietors of said lands, shall have a patent under the seal of the corporation, signed by his Honour the Governour and Secretary, for the granting, passing over and confirming, the said tract of land to them and their heirs forever.

Upon the petition of Daniel Palmer, Nehemiah Palmer and Daniel Palmer, jun^{r}, &c^{a}., praying that an assessment made upon them by the listers of Stoningtown, A. D. 1730, may be abated to the sum of £330 10*s*. 0*d*., the sum of their list given in to said listers: Resolved by this Assembly, that the said Daniel Palmer, Nehemiah Palmer and Daniel Palmer, jun^{r}, be abated to the sum of £330 10*s*. 0*d*., the list by them given in to said listers, and they are hereby abated to the sum aforesaid.

Whereas upon the memorial of the inhabitants of the east farms in Glassenbury, this Assembly at their sessions in Newhaven in October, 1730, did appoint Coll. Mathew Allyn, John Hooker and Nathaniel Stanly, Esq^{rs}, a committee to view and acquaint themselves with the circumstances of said east farms, whether it were convenient that the said east farms, &c^{a}., should be a distinct parish or society; which committee having viewed the circumstances of said farm did report to this Assembly in their sessions at Hartford May 13th, *anno Dom.* 1731, that they judged it best that the people inhabiting said eastern farms should be allowed to be a distinct ministerial society:

Whereupon it is resolved by this Assembly, That parish powers and privileges be granted unto the inhabitants of said eastern farms in Glassenbury; and that the said parish shall be bounded as followeth, (viz:) East, partly with Hebron and partly with Bolton bounds; west, with the lands called the Mile of Commons, including the families with their farms within said common land, (viz:) Thomas Brewer, Thomas Brewer, jun^{r}, Patrick Streen, Daniel Wright, Robert Loveland, Robert Loveland, jun^{r}, Joseph Brewer, Samuel Hodge, Jonathan Wickham, Stephen Andruss, Elisha Andruss, and Joseph Hills, with each of their families and farms, and also the farms belonging to the heirs of Joseph Strickland and Henry Gozlen deceas'd, with the families living on them; and north, with Hartford bounds; and south, partly with Midletown, and partly with Colchester and Hebron bounds. And said parish, thus bounded as aforesaid, shall be called by the name of Eastbury.

Timothy Bartlett of Guilford shewing to this Assembly, that by the loss of one of his legs he is much disenabled, and praying that his head may be left out of the general list: This Assembly orders that said Bartlett's head shall be left out of the general list for the time to come, and be discharged from all taxes.

[30] Upon the memorial of the Sachem and sundry others

of the Pequod Indians, inhabitants within the bounds of the township of Groton, representing to this Assembly the difficulties they now labour under and are likely to undergo, by reason that the inhabitants of the town of Groton are continually cutting down and carrying away their timber and firewood, growing on the said lands at a place in said Groton called Masshantuxitt; as also because some of the said English inhabitants, under colour of some purchases they have made in said lands, make pretence to lay out to themselves, and fence and improve, certain valuable parts thereof, notwithstanding said lands have been conveyed to the said memorialists by deed under the hands of a certain committee of said Groton inhabitants, as also by acts of this Assembly have been appropriated and set apart for their, (viz.) the said Indians, use and improvement; and praying this Assembly to interpose and enact something in their favour, relating to the premises, and in particular to appoint some suitable person or persons to be their guardians or overseers, to see that they be not wronged of their lands or the privileges thereof: This Assembly appoints Capt. James Avery and Capt. John Morgan to be Guardians or Overseers of the said Indians, who are to enquire into any incroachment made on the interests of the Indians aforesaid, and from time to time inform this Assembly thereof; and they are hereby impowred to defend and secure the interests of the said Indians in and unto said lands, as fully and amply in all respects as Captain James Avery late of said Groton, deceas'd, was impowred to do, by an act of the General Assembly held at Hartford May the 7th, 1723, and to prosecute in the law all persons that shall incroach or trespass upon said land, to the damage of said Indians, as in the act aforesaid the said Capt. Avery, deceas'd, was directed. And the secretary of this Colony and the town clerk or register of the town of Groton are hereby strictly forbid to record any surveys, deeds or other writings wherein the fee of any of said land shall be passed, on penalty of forfeiting, for every transgression of this act, the sum of ten pounds, to be of them recovered by the said guardians or overseers, or their successors by this Assembly from time to time appointed. And all and every person trespassing upon the timber standing or growing on said land, by cutting, destroying or carrying away the same, shall incur and forfeit the same penalties as is provided and expressed in the law of this Colony intituled An Act for the more effectual detecting and punishing trespass, page 329*; and the said penalties and forfeitures shall be recovered of them by the said guardians or overseers, or their

* Page 80 of this volume.

successors that shall be appointed as aforesaid, who shall account with this Assembly for all the forfeitures that they shall recover by force of this act, that the money so recovered may [31] be disposed of for the benefit of said Indians as || this Assembly shall order. And all persons are hereby also strictly forbid to lay out or fence any of said land, to the damage of said Indians, on penalty of forfeiting as aforesaid for every such offence the sum of ten pounds, to be of them recovered as aforesaid, for the use aforesaid.

This Assembly do establish and confirm Mr. Robert Bate of Saybrook to be Ensign of the west company or trainband in the town of Saybrook aforesaid, and order that he be commissioned accordingly.

Resolved by this Assembly, That Messrs. Samuel Lynde, Esq^{r}, John Richards and Joshua Hempstead, or any two of them, receive of the executors of the last will of the Honourable Gurdon Saltonstall, Esq^{r}, deceas'd, the arms and other stores of war used in the expedition against Canada, and thereupon, in the name of the Governour and Company of this Colony, give a receipt to said executors for such arms and stores as they shall receive, and also a discharge from all demands from this corporation for and upon account of all the arms and stores used in said expedition; and also draw a bill upon the treasurer for his paying to the executors for their reasonable house room for said arms and stores since the death of the late Governour Saltonstall. The allowance to be adjusted by the said Lynde, Richards and Hempstead, or any two of them. And upon receipt of said arms and stores, they are to send them to Hartford, according to the order of the Assembly at their sessions in October last.

Upon the prayer of Samuel Leffingwell, John Edgerton, Samuel Bishop and John Pride, of Norwich, declaring that the listers in Norwich in making their return to this Honourable Assembly in May last, of the fourfold and addition to the list in Norwich for the year 1729, made no distinction between the fourfold assessment and the single addition, althô 827*l.* of the sum returned as aforesaid was upon the fourfold assessment, and so the one half of the rate gathered upon the said sum of 827*l.* belonged by law to the said listers; and praying that this Assembly would now make the distinction and order that the said listers might have the money belonging to them, for their trouble as listers, returned out of the treasury: This Assembly do now grant that the listers above referred to shall receive out of the treasury the one half of the rate gathered upon the abovesaid sum of £827, which amounts to three pounds eight shillings and six pence.

This Assembly do appoint Mr. Joseph Minor to be a Justice of the Peace in the county of Newlondon for the year ensuing.

To the Honourable the General Assembly of his Majestys Colony of Connecticutt, sitting at Hartford May 13th, 1731.

Whereas your Honours, at your sessions at Hartford in [32] ‖ May last, were pleased to appoint us your committee to repair to the town of Lebanon, and there hear the parties concerned in the lands in said Lebanon, and enquire into the titles of the lands in said township, and to make report thereof to this Assembly; and of what parcels of lands in said township, and in what manner, patents ought to be granted, so as to do justice to the proprietors thereof: May it therefore please this Honourable Assembly to be informed, that, according to your said orders and instructions, on the second Thursday of August last past, we went to Lebanon, and the town clerks of Norwich, Windham and Colchester, being notified as is provided in said order, we then and there proceeded to hear the parties concerned in said lands, or controverting about the same; and the matters being fully discussed by the parties, and their evidences and arguments by us considered, we make report on the affair to this Assembly, as followeth:

1st. That the bounds of the town of Lebanon are northeasterly upon the town of Windham, beginning at the northerly corner at a white oak tree, marked, standing about eighty rods south from the mouth of Hop river, and about twelve rods from Williamantick, from which tree the bounds of Lebanon are a straight line to a tree marked I. D. : W. C.; and from thence the same course to Norwich bounds; then Lebanon bounds southeasterly on Norwich, until it meets with Colchester bounds at a white oak tree standing in the line; then Lebanon bounds southwesterly on Colchester, as the bounds of Colchester are settled by agreement and confirmation of the Assembly, till it comes to a black oak tree at the northeast corner of Colchester township; and from thence it bounds northwestwardly on Hebron, to the middle of the island in the north pond; and from thence, further, by a straight line drawn from said island to a white oak tree standing on the west side of a hill and east side of a brook, and about five miles nearest west from the first monument; and there it bounds north on a straight line drawn from the first monument to the last mentioned white oak tree.

2ly. On the southeasterly side of Lebanon, next Norwich, there is one mile in breadth that is commonly called Mason and Fitch's mile. This parcel of land is in the possession of the heirs and assigns of Samuel Mason and James Fitch, who

ought to have a patent for said parcel of land, unless they have obtained a patent for it already.

3ly. There is in Lebanon a parcel of land called the Five Miles Square, which is bounded at the northeasterly corner at a white oak tree standing in the westerly boundary of Mason and Fitch's Mile, about two miles from Willamantuck or Shoutuckett river; from thence it bounds southeasterly on said Mason and Fitch's Mile, by a line drawn south-southwest five degrees westerly, five miles, to the middle of a flat rock rising [33] pretty ‖ high, graven with these letters, L V M C, signifying Lebanon five mile corner; from thence it bounds south or southerly by a line drawn from the middle of said rock, west-northwest five degrees westerly, six miles and forty rods, to two black oak trees growing out of one root, by which is engraven on a rock the letter L. From thence it bounds west or westerly by a line drawn from said two black oaks northeast or north easterly, to a chestnut tree, marked, standing about half a mile westward of the first branch of Ten Mile river; and from thence it bounds northerly on a line drawn from said chestnut tree east-southeast five miles to the first mentioned monument. This parcel of land was first granted to sundry settlers in Lebanon and proprietors, by Capt. Mason, Mr. Brewster, Mr. Stanton, and Mr. Burchard, and January 4th, $\frac{1}{1}\frac{7}{6}\frac{0}{9}\frac{0}{5}$, and confirmed to them by the General Court May 10th, 1705. A small parcel of this land, at the west corner, lyeth in Hebron, the rest all in Lebanon. This parcel of land has been held ever since by those to whom it was granted and confirmed as aforesaid, and is now in the possession of them, their heirs and assigns, in particular divisions, lots and purchases, as is entered upon the records of the town of Lebanon, who ought to have a patent for it accordingly.

4ly. There is in Lebanon a parcel of land bounded west by a line drawn north from the east side of the island in the north pond to a stake and heap of stones set about it, set by the agreement of Joseph Talcott, William Pitkin and Samuel Whiting, on the one party, and Josiah Dewey, William Clark and John Sprague, of the other party, April 2d, 1720; which stake stands about 152 rods north of Lebanon antient bounds surveyed by John Chester, William Pitkin and Will^{m} Whiting; then it bounds north on a line drawn from said stake east, till it comes to Hopp river, then northerly on Hopp river, till it intersect a line at the west side of Mason and Fitches Mile, as far northerly as Norwich northwest corner; and from thence runs northerly so as to leave a mile on the easterly of said line to Willamantick or Shoutuckett river against Windham, and so to hold on a straight line till it comes to Hopp

river; and further boundeth southeasterly on Mason and Fitch's Mile, on all other parts on the five mile square abovementioned. This parcel of lands was purchased by Josiah Dewey and William Clark of Mr. Thomas Buckingham and Major John Clark, by their deed dated September 20th, 1699, and is now in the peaceable possession of them, their heirs and assigns, in such particular lots or farms as is fully set forth upon the records of the town of Lebanon; and we are of opinion that all such as now hold them under said Clark and Dewey, by descent or purchase, ought to have a patent for the same.

5ly. There is a small tract of land in Lebanon bounding [34] southerly on || Mason and Fitch's Mile, southwesterly on Colchester, northeasterly on the five miles square, at the northwest terminating in a point, that is now in the quiet possession of sundry persons purchasing the same of the assigns of Owaneco. We are of opinion that such purchasers ought to have a patent for said lands.

6ly. There is in the northwest part of Lebanon a parcel of land lying between Coventry on the north and the line drawn east from the stake set by agreement April 2d, 1720, as aforesaid, that is claimed by and in the possession of sundry persons purchasing the same of Joseph Talcott, Esq^{r}, William Whiting, Esq^{r}, and Samuel Whiting.

7ly. There is in Lebanon a tract of land that lyeth between the line drawn north from the east side of the island in the pond and the ancient bounds of Lebanon run by Messrs. Chester, Pitkin and Whiting, that is within the deed of Josiah Dewey and William Clark from Thomas Buckingham and John Clark, dated September 20th, 1699, that, by reason of sundry agreements and resolves of committees varying from one another, is now in contention, and built upon partly by such as hold under said Clark and Dewey, and partly by such as hold under Saybrook legatees. All which is humbly submitted to this Honourable Assembly, by

Mathew Allyn,
Roger Wolcott,

The above report allowed and approved by this Assembly, and that patents be granted as mentioned therein, as the law directs.

Upon the memorial of John Bouton, John Benidick, John Fitch and Ebenezer Carter, with sundry others of the inhabitants of the northwest part of Norwalk township, and of the inhabitants of the northeast part of Stanford township, setting forth to this Assembly the great distance they are now at from

the stated place of publick worship in the several societies to which they now belong, thereupon petitioning this Assembly for parish privileges and liberty of forming themselves into a society under the name of Canaan Parish, and their limits to extend five miles in length, and three miles and one quarter in breadth, contained within the following bounds or abuttments: By the southwest corner of Wilton parish, from thence running to a highway that runs on the south side of John Keelogg's now dwelling house, keeping that highway till it meets with an highway that comes down from Silver Mine, and so down that highway till it meets with a highway that goes down from the upper Clabboard Hills, keeping that path till it comes to the northeast corner of Ebenezer Carter's field [35] or land so || to run down the east line of his land to the southeast corner; from thence to the southwest corner, and then a straight line until it comes to a bridge that goes over Hanford's swamp, where it will meet with a highway, and keeping that highway till it comes to a highway that leads down to Five Mile river, keeping that highway till it comes to a cross highway that leads to the perambulation line; so running by the said perambulation line till it comes to the southeast corner of land that was David Austin's, and from thence to his southwest corner, which meets with a highway that comes to Ox Ridge, and to run down that highway until it comes to Eliphalett Sealy's southeast corner, and so to his southwest corner; and then a due west line until it comes to Stanford Mill River, running on the west side of both branches of said river, until it meets with the Colony line; and then running by said Colony line until it meets with Wilton northwest corner; and so by said Wilton line until it comes to the southwest corner where the bounds began. And this Assembly grants unto the said John Bouton, John Benedick, John Fitch and Ebenezer Carter, and the rest of the inhabitants aforesaid, parish privileges as amply and fully as is usual for this Assembly to grant unto parishes heretofore; and their limits to extend unto the several bounds or abuttments aforesaid; and grant that said parish be called by the name of Canaan Parish.

Whereas there hath been a long controversy between the towns of Midletown and Farmingtown, respecting the northwest corner bound of said Midletown, and several committees have been improved in order to determine the controversy; two of which committees especially were by the countenance and direction of this Assembly, (viz.) Messrs. Goodrich and Seymour with the assistance of Mr. Burnham, surveyour, at

one time, and Messrs. Fowler and Seward with the assistance of Edmund Lewis, Esq^r, surveyour, at another time, who, each of them, set monuments where they judged the northwest corner of Midletown ought to be, which two monuments by them fixed are at a considerable distance each from the other, which renders it uncertain which of the two is the right: To the end, therefore, that a final determination and conclusion should be put to the said controversy, it is ordered by this Assembly, that Messrs. Samuel Maltbie and Isaac Harrisson, with the assistance of Mr. John Hitchcock, surveyour of Newhaven county, and such judicious and disinterested chainmen as they shall appoint, shall, at the joynt charge of the two towns, repair to Midletown south tree, and from thence run a line (crossing the center stone at the place where Midletown old meeting house stood) till it intersect the line between [36] Weathersfield and Midletown; from thence ‖ measure westward, (as the line between Weathersfield and Midletown runs,) to the end of five miles; and that of the two before mentioned monuments which is nearest to the place where the said five miles terminate, at a right angle from said north and south line, shall be adjudged and concluded the true northwest corner bound of Midletown, and shall so abide and remain forever; and the committee shall fix a monument there accordingly, and make return of their doings to the Secretary of this Colony, that it may be entered in the publick records.

Upon consideration of the memorial of Stephen Palmer of Brandford, praying to be set off from the south society and be adjoyned to the north society of said Brandford: This Assembly do dismiss and discharge the said Stephen Palmer from the said south society, and do add him, with his inheritance whereon he dwells, to the said north society; and he is hereby discharged from the south and adjoyned to said north society, and to be and remain one of the said north society in all respects as the other of the inhabitants in said society who was first set off so to be.

Upon the memorial of Jonathan Bird of Farmingtown, shewing to this Assembly that at a General Assembly holden at Newhaven October 8th, 1702, there was by said Assembly granted to one James Bird of said Farmingtown, grandfather to the memorialist, one hundred acres of land, to be taken up in the ungranted lands of this Colony; and said memorialist shewing that the said hundred acres of land has not as yet been surveyed or taken up, and is now become, as he saith, his estate: It is thereupon resolved by this Assembly, that the s onathan Bird shall have liberty to procure the said hun-

dred acres of land to be surveyed and laid out to the heirs of the aforesaid James Bird; provided he lay it out in the ungranted lands of this Colony on the west side of Ousatunnuck river. And this Assembly does appoint Mr. Edmund Lewis, surveyour of the county of Fairfield, to survey and lay out said lands as abovesaid.

Upon consideration of the petition of Thomas Stephens of Stanford, praying for the reversing of a judgment gained against him by Edward Jessupp of said Stanford, at the superiour court at Fairfield in August, 1730, for the land demanded in the writ, which was twenty-five acres, and cost 12*l.* 3*s.* 4*d.*, and also for one more tryal of said case, and that the whole cost might follow the suit: This Assembly do reverse the said judgment, and the doing of the officer with execution thereon, and the same is hereby reversed and made void; and the said Thomas Stephens is granted the liberty of one tryal more of said case at the superiour court at Fairfield in August next; and the whole cost from the beginning of said suit shall follow the judgment of said superiour court.

[37] Upon the memorial of Samuel Brunson and Daniel Boardman, both of New Milford in the county of Newhaven, as a committee in behalf of themselves and the rest of the proprietors of the tract of land called New Milford North Purchase, in number 64 inhabitants, within this Colony, shewing that they have purchased of the committees of Hartford and Windsor a certain tract of land, fully described and bounded in the deed of the said committee of Hartford and Windsor, dated the 8th of June in the 8th year of the reign of our late sovereign lord King George the first, and laid out and surveyed by Edmund Lewis, Esq^{r}, surveyour of the county of Fairfield, on the first of August, A. D. 1726, lying in the county of Newhaven; also shewing that the native right to said land hath been, by the said committees of Hartford and Windsor, purchased of the Indians before such their deed thereof to the said proprietors; praying that they may have a patent for the holding the said lands, according to law: This Assembly thereupon grant the prayer of the memorialists that a patent be granted to them, signed by his Honour the Governour and Secretary, for the holding the said land, according to law.

This Assembly observing the great delay of the publick affairs of this government, by reason that several of the members of the Lower House do often appear at the bar in behalf of their clients, whereby committees are often very much

retarded in their proceedings, and other necessary business clogged: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no member of this Assembly shall appear as an attorney at the bar of this Assembly, unless it be in their own cause, or in behalf of the towns which they represent, or in such cases wherein the law will not allow them to sit as judges; any law, usage or custom to the contrary notwithstanding.

Upon the memorial of Joseph Minor, Daniel Palmer, Thomas Noyes, and others of the east party in the first society in Stoningtown, representing to this Assembly the great difficulties the said society are under by reason of a grievous contention that hath happened between them and the people that are called the west party in said society, in respect to their meeting houses; and praying to this Assembly for relief, and that a committee be appointed to repair to said society and to hear them at large on the said controversy and report to this Assembly thereon: Resolved, that Samuel Lynde, Edmond Lewis, Esq^{rs}, and Capt. Thomas Wells, be a committee, and that they, at the cost of the memorialists, repair to said society, and notify the parties, and hear them at large on their said controversy, and make report to this Assembly in October next, what they think to be most just and right to be done with and for the parties aforesaid, relating to said controversy. And it is further ordered by this Assembly, upon the motion of the [38] said west || party, that if said committee shall judge that it will be for the best good of said society to be divided into two societies, that then, on hearing the parties thereon, they draw a suitable line to divide them accordingly, and also make report thereof to the Assembly in October aforesaid.

Upon the memorial of the inhabitants of the parish of Kensington: This Assembly do appoint, authorize and fully impower, Nathaniel Stanly, Esq^{r}, to appoint a suitable time and place for a meeting of the said inhabitants, and to take care that legal notice be given to them of said time and place; and then and there lead them to a choice of a society clerk and all other proper society officers, and also to a vote, whether they will proceed to build a new meeting house; and make report of his doings therein to this Assembly in October next, (all at the charge of the said society.) And the doings of the said society, with respect to the choice of society officers in December last, shall be reversed, and they are hereby reversed, set aside and made void.

Upon consideration had on the act of the General Assembly of the Colony of Rhoad Island, respecting the building of a bridge over Paucatuck river: Ordered by this Assembly, that the Secretary of this Colony send a copy of that act of this Assembly, (to the Secretary of the Colony of Rhoad Island,) made at their session in October, 1720, wherein the town of Stoningtown is ordered for the future to keep in repair one-half of the bridge over Paucatuck river at their own charge; and that the town of Stoningtown take notice thereof, and conform themselves accordingly.

Upon the petition of Thomas Ellmor of Windsor, praying that a judgment of the superiour court held at Hartford in March last may be reversed, that was recovered against him by Joseph Rockwell of Windsor for the surrendry of about three acres of land lying in Windsor aforesaid, and the execution on the said judgment set aside, and that he, said Ellmor, may have liberty to enter his appeal at the superiour court in September next, and have liberty to prosecute his said appeal from court to court, as he might have done if he had entered his appeal at the superiour court in March last: Resolved by this Assembly, that the judgment aforesaid be reversed, and the execution aforesaid and the doings thereon be set aside, and the same is hereby reversed, annulled, made void and set aside; and that the said Ellmor enter his appeal at the superiour court to be holden at Hartford on the second [39] || Tuesday of September next, and that he have liberty to proceed in said case from court to court, as he might have done if he had entered his appeal in March last, and the future cost only to follow the final tryal.

An Act directing how to proceed when it shall be necessary to build a Meeting House for Divine Worship.

Whereas many contentions and quarrels have arisen in some of the parishes or religious societies allowed by this Assembly, respecting the places proper for erecting their meeting houses, to the great disquiet of many people of this government: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when any parish or religious society, allowed to be such by this Assembly, or established and approved by the laws of this Colony, (those only tolerated by the laws of this Colony and dissenting from us excepted,) shall by their vote (wherein two third parts of the inhabitants qualified by the law to vote, and present in the meeting of such parish or religious society,) declare it to be necessary to build a meeting house, every such

parish or society shall apply themselves to this Assembly to appoint, order and affix the place whereon their meeting house shall be erected and built; which being done, concluded and ascertained, by the act of this Assembly, the committee of such parish or society shall forthwith give due notice to the parishioners, to meet, at some suitable time and place, to authorize and appoint some meet persons to be a committee for the setting up, building and finishing an house proper and suitable for such an improvement, on the place appointed as aforesaid. At which meeting the said society shall proceed to grant and levy a tax on the parishioners or inhabitants of such parish, to be collected and paid to the said committee, to enable them to go forward with the said building. And the clerk of the parish or society shall keep the account of their disbursements. And it shall be the duty of every such clerk, to certify this Assembly the doings of the society, at their session next after their fixing the place as aforesaid; as also the progress of the committee in building such house, to every General Court at their stated sessions, till the house be finished. And for every neglect of his duty therein, shall incur the penalty of ten pounds to the publick treasury, to be recovered of such clerk before the superiour court in the county where the parish or society is situate, by action, bill, plaint or otherways, as the law will allow; in which case no review shall be admitted.

And it is further provided, That if this Assembly do find by the clerk's certificate, that the inhabitants of such society do [40] not proceed to set up and finish a meeting || house, at the place appointed as aforesaid, this Assembly will assess and levy upon such society, from time to time, such sum and sums of money as may be needful to set up and finish such meeting house, which shall be by order of this Assembly accordingly improved. And every such sum of money shall be by the treasurer of this Colony added to the publick tax of the society, and gathered, as a part of the publick tax, by the constable who gathers the country rate, and paid into the publick treasury, to be reimbursed for the use aforesaid; who shall, by order of this Assembly, deliver the same to such person or persons as by this Assembly shall be appointed.

And it is hereby further enacted, That for the future it shall not be lawful for any of the societies aforesaid, or any part of such society, to build or set up any meeting house for religious worship, without procuring this Assembly first to ascertain the place for it, as in this act is limited and provided. And whosoever shall transgress this order, shall incur the penalty of one hundred pounds to the publick treasury of this Colony, to be recovered by action, bill or plaint, before any of the

superiour courts in the county where the transgression shall be committed.

Whereas, upon the memorial of the inhabitants in the southern part of the township of Woodbury, praying that the said town of Woodbury might be divided into two distinct societies, this Assembly did appoint a committee to repair to the said town of Woodbury, and make enquiry into the circumstances of the said town, and report their opinion (concerning the conveniency of dividing the said town into two societies, according as it was prayed for,) to this Assembly in its session in October next following; which the said committee accordingly did, in favour of the request of the said memorialists; and their report, per continuance, falling under the consideration of this Assembly at this time, and thereupon it is,

Resolved by this Assembly, That the said town be divided into two societies by a line drawn by the said committee in manner hereafter described, that is to say: beginning at a certain small oak tree, standing in the highway about twenty or twenty five rods southward of the now dwelling house of Samuel Jenner, and on the eastward side of the highway, about six rods south of the south end of the said Samuel Jenner's orchard; and then from said oak tree an east line extended until it strike upon the bounds of the township of [41] Waterbury; then again from said oak tree a direct || line extended westerly to the bounds of the township of New Milford, bearing its course four score rods south of the now dwelling house of one Henry Castle, living at a place called by the name of Shippaug; and that the said societies, so divided, be vested with the powers and privileges usually granted to other societies; and that the south society be called by the name of Southbury.

Upon the memorial of Joseph Keeler, Ebenezer Smith, Daniel Olmstead, and the rest of the proprietors of the common and undivided lands in the town of Ridgefield, setting forth to this Assembly the great loss and damage they have sustained by reason of the dividend line between the Province of New York and the Colony of Connecticutt coming so much further eastward than was expected, and thereby cutting off a considerable quantity of the land belonging to said town, thereupon petition this Assembly, that they would, in consideration of the loss which they have sustained as aforesaid, grant unto them a certain quantity of land, bounded south by Ridgefield, east by Danbury, north with New Fairfield, west by the Colony line: Upon which, this Assembly grants unto the said Joseph Keeler, Ebenezer Smith, Daniel Olmstead, and the

rest of the proprietors of the common and undivided land in said Ridgefield, and do hereby grant and confirm unto them said quantity of land, in that proportion according to their present interest in the common and undivided lands in said town, excepting all those grants that have been taken up within the limits aforesaid; and likewise grant that they take out a patent for the same, signed by the Governour and Secretary.

This Assembly grants to his Honour the Governour the sum of three hundred pounds in bills of credit, for his salary this current year, to be paid out of the publick treasury, the one moiety at this time, and the other moiety in October next.

This Assembly grants to his Honour the Deputy Governour the sum of one hundred pounds in bills of credit, for his salary this current year, to be paid out of the publick treasury, the one moiety at this time, and the other moiety in October next.

Upon the memorial of Capt. Thomas Seymour and Lt. Roger Newbury, in behalf of the proprietors of Hartford and Windsor, shewing to this Assembly that they were by said proprietors appointed a committee, fully authorized and impowred, in behalf of said proprietors, to make a division of all such lands as now lie in common and undivided between this Colony and said proprietors; and praying that this Assembly would appoint a committee, in behalf of this Colony, fully impowred, to make such division of said land with said proprietors' committee: Whereupon it is resolved and ordered by this Assembly, that James Wadsworth and Edmund Lewis, Esq^{rs}, be a committee in behalf of this Colony, to divide the aforesaid lands with the said proprietors' committee; and they are hereby authorized and impowred to do the same; and such division, so made, signed and executed by the aforesaid committees, shall be the established division between this Colony and the said proprietors.

[42] An Act in Emendation of one certain Paragraph in the Law entituled An Act for the Regulating Ferrys, Page 34.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whensoever any ferryman shall demand and take any more than the fare assessed by the General Court from time to time, and published according to law, and be thereof convicted before any assistant or justice of the peace, shall for every such offence forfeit the sum of twenty shillings money, one moiety thereof to the publick treasury, and the other moiety thereof to him or them who shall prosecute the same to

effect; to be recovered by bill, plaint or information. And such assistant or justice of the peace may commit the offender or offenders until he or they shall pay the aforesaid sum and costs of prosecution. And in every such case, no appeal or review shall be allowed. And that the payment or tender of any of the bills of credit that pass current amongst us, or copper coin according to the common currency, shall be a lawful payment or tender for the fare aforesaid.

Upon the memorial of William Pratt of Hartford, setting forth to this Assembly that he, said William Pratt, was, at the annual town meeting, A. D. 1729, chosen constable of the town of Hartford, to collect the country rate for that year; and that by virtue of a warrant from the treasurer of the Colony, [he] had gathered the full sum of one hundred and seventy-seven pounds ten shillings, and endeavoured to keep said sum safely: but notwithstanding, some evil minded person did break the said Pratt's house, and feloniously took and stole said £177 10*s*. 0*d*.; thereupon petitioning this Assembly that he may be exempted from accounting with the treasurer in form of law for the aforesaid rate: Whereupon this Assembly grants that the said Pratt be not obliged to account with the treasurer till the first of May, 1732; and the treasurer is hereby ordered not to send his execution for said rate of £230 3*s*. 1*d*. till the time aforesaid.

Whereas it is observed by this Assembly that many laws which are in force in this Colony, for the suppressing of vice and immorality, are not duly executed,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the last day of December next, that all the justices of the peace, grand jurors, constables and tything men, in the respective towns in this Colony, shall annually meet, in the respective towns to which they belong, on [43] the first Monday of January, and on || the first Monday of June, at the place where their annual town meetings are held, or at some place by them appointed, there to advise, consider and use their joynt interest, in suppressing of vice and immorality, and the due execution of all the laws of this Colony to which their respective offices have relation.

Upon the memorial of Benjamin Stephens of Danbury, praying for the grant of a certain tract of land westward of the township of Danbury aforesaid, according to the survey thereof made by Edmund Lewiss, county surveyour, and the price by him set, (agreeable to the act of the General Assembly in May last,) which survey runs after the following man-

ner: Beginning at a pople tree, marked, standing in the reputed west line of said Danbury township; and from thence to run west 26grad south seventy-six rods to a white oak tree, marked, with stones laid to it; then south 23gr east 145 rods, to a white oak tree, marked, with stones laid to it; then east 46 rods to a white oak tree, marked, with stones laid to it, standing in the aforesaid west line of Danbury township; there being contained within said lines fifty-six acres, and the price thereof being set at nine pounds ten shillings: This Assembly grants to the aforesaid Benjamin Stephens the aforesaid 56 acres of land; and that upon his paying the aforesaid sum of nine pounds ten shillings, he may take out a patent, executed in due form of law, for the same.

Upon the memorial of Mr. Joseph Pitkin, agent for his Excellency Jonathan Belcher, Esqr, shewing to this Assembly that this Assembly did formerly, by certain acts by them past, erect and establish a commissioners' court, for the more expeditious determining of controversies arising about the copper mines at Symsbury, and for dividing the said copper mine among the several lessees, their assigns, &ca.; and that when said acts (which were limited for a certain time,) were expired, this Assembly did, at their session at Hartford in May, 1723, revive said acts, and order that they should continue in force from the end of said session for the space of seven years; which time being now expired, and there being now the like need of said acts as formerly, the memorialist prays for the revival thereof:

Whereupon it is resolved by this Assembly, That Roger Wolcott, Esqr, be added to the former commissioners, instead of Coll. William Whiting; and the said act or acts formerly in force, respecting said copper mine at Symsbury, are hereby revived and made of force to all intents and purposes as formerly, for the space of four years next coming.

Upon the petition of Elisha Cheesbrough of Stoningtown, *vs.* Rebeckah Cheesbrough of said Stoningtown, the question was put, whether the prayer of said petition should be granted: Resolved by this Assembly in the negative.

[44] Upon the memorial of Thomas Minor, Thomas Brown, Thomas Shaw, and Jonathan Copp, listers of the town of Stoningtown for the year 1729, shewing to this Assembly that they sent a fourfold assessment to this Assembly at Hartford, May 14th, 1730, and that by a mistake was entered in the single addition, and that the fourfold assessment did amount in the whole to the sum of £4609 8*s.* 0*d.*, whereby they have lost their due by law allowed to them; praying for relief:

Resolved by this Assembly, that the Treasurer pay out of the treasury of this Colony the sum of eighteen pounds four shillings and eleven pence, (it being the moiety of the rate raised on the assessment aforesaid,) to the said listers, in full discharge thereof.

Upon the memorial of Capt. Hezekiah Wyllys of Hartford, setting forth the great necessity he was under, in reference to a suit he had depending in Great Britain, praying this Assembly to supply him with money upon loan out of the publick treasury of this Colony: Resolved, that the said Wyllys shall have a thousand pounds in bills of publick credit delivered to him, and Nathaniel Stanly, Esq^{r}, Coll. David Goodrich and Capt. John Marsh, or any two of them, are appointed a committee, in behalf of the Governour and Company, to take out of the publick treasury of this Colony the said sum of one thousand pounds and deliver the same to the said Capt. Wyllys, taking of him good security to the said Governour and Company, to the value of two thousand pounds in our currency, in real estate, that the said sum of one thousand pounds, together with lawful interest for the same, shall be paid into the said treasury on or before the tenth day of June *anno Dom.* 1735.

An Act for Emitting Bills of Credit.

Whereas there is in the hands of Capt. John Whiting, Treasurer of this Colony, the sum of £2531 16*s.* 3*d.*, in good bills, fit for further service, which was brought in by the rate granted October, 1729, and are lodged in the treasury for the further disposal of this Assembly,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Treasurer shall be, and he is hereby, authorized and impowred to issue out and deliver the aforesaid sum of £2531 16*s.* 3*d.* towards the payment of the debts and necessary charges of this Colony, according to such orders as shall be given from time to time according to law.

This Assembly grants to our Agent in the Court of Great Britain, Francis Wilks, Esq^{r}, the sum of one hundred pounds in bills of credit out of the treasury, for his salary this current year, and also the sum of fifty pounds for his extra service.

[45] This Assembly, observing that there is a poor blind man, called John Williams, wandering about from place to place in this government, and no town therein standing chargable with his maintenance, do therefore order, that he be received into the work-house, without the usual punishment, and by the master thereof kept to such labour as he is capable

of, and his earnings be improved towards his support, and what more is needful toward his subsistence shall, upon a true account rendred to the county court of his earnings, be ordered by the said court out of the publick treasury of this Colony. And the son of the said John Williams shall, by the said Williams or the selectmen of the town of Hartford, be bound out to some suitable occupation.

Upon consideration of an account exhibited by Mr. Timothy Green, printer, wherein he charges the Colony for one half years salary and other services done: This Assembly grants him the sum of twenty-five pounds and six pence, the ballance of said account, to be paid out of the publick treasury.

Whereas Joseph Talcott, Nathaniel Stanly, Ozias Pitkin and Hez. Wyllys, Esq^{rs}, of Hartford, and sundry other persons inhabitants of the town of Hartford, obtained a patent for one moiety or half part of a large tract of land, bounding north upon the Province of the Massachusetts Bay, west partly on land belonging to the Governour and Company of the Colony of Connecticutt, partly on Litchfield, south partly on Litchfield, partly on Waterbury, partly on Farmingtown, east partly on Farmingtown, partly on Symsbury, partly on land belonging to the Governour and Company of Connecticutt: And Mathew Allyn, Roger Wolcott, Samuel Mather, Esq^{rs}, and sundry other persons inhabitants of the town of Windsor, obtained in the said patent the other moiety or half part of said lands, as by said patent duly executed under the seal of this corporation, dated May 22d, 1729, doth more fully appear: And whereas the said patentees have moved to this Assembly that, by reason they are so numerous, it is very difficult and almost impossible for them to act in dividing, defending and settling said lands, in any other way than the proprietors of the common and undivided lands in the several townships in this Colony are enabled to do, and praying to this Assembly for relief in that affair:

It is enacted and resolved, That it shall be lawful for the said Joseph Talcott, Mathew Allyn, Roger Wolcott, Nathaniel Stanly and Ozias Pitkin, or any four of them, to call a proprietors' meeting of the said proprietors, at such time and place in the town of Hartford, or in the town of Windsor, as they shall appoint; which meeting shall be called by a warning [46] thereof given in writing || under the hands of the said Joseph Talcott, Mathew Allyn, Roger Wolcott, Nathaniel Stanly, Ozias Pitkin, Esq^{rs}, or any four of them, declaring the time and place of said meeting and the business to be done in said meeting; which writing shall be set up in three publick

places in the town of Hartford, and in three publick places in the town of Windsor, at least fifteen days before such meeting.

And it is further enacted, That the said proprietors, in their meeting assembled as aforesaid, shall have full power, and they are hereby fully impowred, by their major vote, to be computed according to their interest, to choose a proprietors' clerk, who shall take the oath appointed for the proprietors' clerk; and also choose, appoint and impower, their agents or attorneys, in their name and stead to sue, prosecute or defend, and to final judgment and execution to pursue, in any action or case, before any court or judge, for the defending or maintaining their title or possession in said land; as also to divide the said lands in two parts between the proprietors of the said two towns, in such manner as they shall agree and order as aforesaid; and such division, when made and perfected, shall be and remain a full and lawful partition of said lands between the proprietors of the said two towns forever. The said proprietors in their said meeting are also impowred, to levy taxes and rates on the proprietors, for the raising such sum or sums of money, for the defraying the charge of any law suit or law suits, and for the making partition of said lands and any other needful charge about their said propriety, as the said proprietors shall order and agree upon; as also to appoint ratemakers and collectors of said taxes, who are hereby impowred to gather and collect the same, and be accountable for the same to the proprietors' committee or treasurer, by them to be appointed, as fully as the collectors of the town rates are impowred and obliged to. And the said proprietors, in their said meetings, are impowred to adjourn their said meeting, or to call after meetings, in such manner as they shall order and appoint* as aforesaid.

And be it further enacted, That after partition and division of said lands is made between the proprietors of the said two towns as aforesaid, it shall be lawful for the proprietors of the said lands of the town of Hartford, and the proprietors of the said land of the town of Windsor, respectively, to call a proprietors' meeting of themselves in their respective towns, to be warned and called together in such manner as the meetings of the proprietors of the common and undivided lands are by law allowed to be; and in their meetings to choose a proprietors' clerk, who shall be sworn as aforesaid; and by their ma- [47] jor vote, to be computed according to their interest, ‖ order how their meetings shall be warned, and also make orders for the regulation, improvement, or division of the land set out and divided to them as aforesaid, according to, and

* The printed act reads "agree."

with as full power as the proprietors of the common and undivided lands in the ancient towns of this Colony are allowed and impowred to do of their lands, by one act of this his Majesty's Colony made and passed in the ninth year of the reign of his late Majesty King George the first, entituled An Act for the better establishing and confirmation of the titles of land anciently obtained in townships according to the manner and custom heretofore used and for the preventing contention about the same, and one other act made in addition to said act, that was made and passed in the *fourth** year of his said late Majesty's reign.

And be it further enacted, That the proprietors in the two respective towns, in their meetings as aforesaid, have full power given them to levy a tax or taxes on themselves, the said proprietors, (by their major vote, as aforesaid,) for the raising such sum of sums of money for the defraying the charges they shall think needful in their defending in the law, or making partition and division of said lands, and to appoint collectors for the gathering such tax or taxes. And such collector or collectors are hereby impowred to perform their said office, and shall be accountable for said taxes to said proprietors or their treasurer, (to be chosen by the proprietors as aforesaid,) as fully as the town collectors are enabled and obliged by law, in the discharge of their office.

To the Honourable the General Assembly, sitting at Hartford, June 1st, 1731:

Whereas this Honourable Assembly, at your present session, were pleased to appoint us your committee, to consider what may be best or proper for the Assembly to do with the western lands belonging to this corporation, and to draw up our opinion therein and make report thereof to the Assembly: In obedience to your Honours' command, we have perused the map of that land drawn by Mr. Kimberly, and otherwise gained the best information of the lands we could in the short space of time allowed us; and having considered the same, we are of opinion, that it may be best and most proper for this Assembly to appoint some meet persons to lay out five towns in the said lands, on the eastward of the Ousatunnuck river; four of which towns we think may be accommodated northward of Litchfield and a line drawn from Litchfield northwest corner to the Ousatunnuck river; and one town between Litchfield and the Ousatunnuck river; and that the persons by the As-
[48] sembly appointed for this service make || report of their doings herein to this Assembly in October next, with their opinion of the goodness or barrenness of the lands in each of

* The printed act reads *tenth*, which is correct. Volume VI., 394, 424.

the said townships: but if the service cannot be done by them so as to make their report to the Assembly in October next, that then they make their report to the Assembly at their session in May next; and that upon the making their report, the Assembly then proceed to dispose of and settle said lands, in such manner and method as they in their great wisdom shall think best. All which we humbly submit to the consideration of the Assembly.

Roger Wolcott, John Riggs,
Edmund Lewis, Samuel Willard,
John Marsh, Ebenezer Silliman, *Committee.*
Thomas Huntington,

The above report accepted and approved by this Assembly, and Edmund Lewiss, Esq^{r}, Capt. William Judd and Capt. John Buell, are appointed a committee to do the work of laying out the towns, as mentioned therein.

Upon the memorial of John Woodbridge, Joseph Woodbridge, Timothy Woodbridge, John Stedman guardian to Benjamin Woodbridge, coheirs of the Reverend Mr. John Woodbridge late of Springfield, deceas'd, shewing to this Assembly that in October 12th, 1671, this Assembly granted to Mr. John Woodbridge 250 acres of land, to be taken up in the ungranted lands, &c^{a}.; which land descended to said John Woodbridge of Springfield, father of the memorialists. One moiety of which land, (viz:) 125 acres thereof, was by said Woodbridge sold to Mr. Samuel Buell of Killingsworth, deceas'd, and was laid out in an old grant before made to Killingsworth town, and so by said Killingsworths grant said outlay was defeated, and said Buell and his heirs thereof utterly prevented; moving that this Assembly would order the said 125 acres aforesaid to be laid out to said Buell's heirs: Resolved by this Assembly, that 125 acres of land be laid out to the said Buell's heirs, of the ungranted lands of this Colony on the west side of Ousatunnuck river, so as not to prejudice any former survey made by order of this Assembly; and that the heirs of said Buell have liberty to call out the county surveyour of Fairfield county, at their proper cost, to survey and lay out the land aforesaid, in fulfillment of the grant aforesaid.

An Act in Addition to the Law of this Colony made in the 3d Year of the Reign of our sovereign Lord, George the second, entituled An Act relating to Attorneys.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, [49] That ‖ all the attorneys at the bar in this Colony, who are or hereafter shall be allowed and appointed as in and by the said act is provided, shall be exempted, and are hereby

released from bearing arms and attending on the musters and military exercises of the troops or companies to which they do respectively belong; any law, usage or custom to the contrary notwithstanding.

Upon the memorial of Zebulon Mygatt, master of the work house in Hartford, setting forth that there is want of bedding and sundry other necessaries in said house, that the persons that are or may be sent thither and to be subsisted at the Colony charge may be comfortably subsisted and improved there: Be it enacted, that Nathaniel Stanly, Esq^{r}, shall, at the publick charge of the Colony, from time to time, provide such bedding and necessaries and deliver them to the said master, that the same may be in his immediate care, that so the good end proposed in building said house may be the better gained.

Upon the memorial of the selectmen of the town of Newtown, setting forth to this Assembly the unsettled state of the bounds between the town of Newtown and New Millford, and thereupon petitioning this Assembly for a committee to run and ascertain the line between the said towns, according to their patents: Whereupon this Assembly grants their request, and appoint Capt. John Riggs, Capt. Samuel Hill, a committee, with the assistance of the surveyour of the county of Hartford, to run and ascertain the bounds of said towns, according to their grants and patents.

Upon the memorial of Daniel Cady, Joseph Cleveland, and others, dwelling between Pomfrett and Canterbury in Windham county, praying this Assembly to be made a township: Resolved by this Assembly, that Messrs. Jabez Huntington, William Pitkin and Ebenezer West, be a committee to hear and view the circumstances of said persons, respecting their being made a township, and make report to this Assembly in October next, at the charge of the memorialists.

This Assembly do appoint Mathew Allyn, Roger Wolcott, John Hooker, Nathan^{ll} Stanly, Ozias Pitkin, Esq^{rs}, Capt. John Marsh, Capt. Will. Pitkin, Capt. Sam^{ll} Mather, Coll. David Goodrich, Mr. John Curtiss, Mr. Dan^{ll} Wadsworth, and Mr. Henry Wolcott, to attend his Honour the Governour, to hear the records of the sessions of this Assembly read off, and to see them perfected and signed by the Secretary as compleat.

The Acts of this Assembly, as they stand entered in the preceding pages, were read in the presence of the committee abovenamed, and by them ordered to be signed as perfect and compleat.

Hez: Wyllys, Secret^{y}.

[50] *CONNECTICUTT COLONY.*

At a General Assembly holden at New Haven, in his Majesty's English Colony of Connecticutt in New England, in America, on Thursday the 14th day of October, anno regni Regis Georgii secundi, Magnæ Britanniæ, &c[a]. quinto, annoque Dom. 1731.

Present at this Assembly:

The Honourable Joseph Talcott, Esq[r], Governour.
The Honourable Jonathan Law, Esq[r], Deputy Governour.

Samuel Eells,
Mathew Allyn,
Roger Wolcott,
James Wadsworth,
John Hooker,
Nathan[ll] Stanly,
} Esq[rs].

Joseph Whiting,
Timothy Pierce,
John Burr,
Samuel Lynde,
Edmund Lewis,
} Esq[rs], *Assistants.*

Representatives or Deputies that were returned to attend at this Assembly are as followeth, (viz:)

Capt. John Marsh, Capt. William Pitkin, for Hartford.
Capt. Isaac Dickerman, Capt. Jonathan Allyn, for New Haven.
Mr. Stephen Prentts, Mr. Solomon Coit, for New London.
Mr. Samuel Burr, Mr. Andrew Burr, for Fairfield.
Mr. Eleazer Carey, Mr. Richard Abbey, for Windham.
Mr. Gideon Johnson, Mr. Timothy Russell, for Derby.
Capt. John Chester, Mr. Thomas Curtiss, for Weathersfield.
Major John Sabin, Mr. Jon[th] Dresser, for Pomfrett.
Mr. Sam[ll] Willard, Mr. John Whittlesey, for Saybrook.
Capt. Tho[s] Huntington, Mr. Experience Porter, for Mansfield.
Mr. Ephraim Kingsbury, Mr. Daniel Lawrence, for Plainfield.
Mr. Joseph Lewis, Mr. Stephen Hopkins, for Waterbury.
Mr. John Hoit, Mr. Jonathan Bates, for Stanford.
Mr. Joseph Phelps, Mr. Joseph Case, for Symsbury.
Mr. John Lane, Mr. Abram Pierson, for Killingsworth.
Capt. James Avery, Mr. Moses Fish, for Groton.
Capt. Joseph Judson, Mr. Abell Birdseye, for Stratford.
Capt. John Colt, Capt. Stephen Lee, for Lyme.
Mr. Ebenezer West, Capt. John Woodward, for Lebanon.
Mr. Joseph Levinze, Mr. Joseph Cadey, for Killingly.
[51] Mr. Henry Wolcott, Capt. Henry Allyn, for Windsor.
Mr. Samuel Hall, Mr. Gideon Ives, for *Coventry*. [Wallingford.]
Mr. Jabez Chapman, for East Haddam.

Mr. George Phillips, Mr. Jabez Hamlin, for Midletown.
Mr. Jared Spencer, for West Haddam.
Capt. John Platt, Mr. John Beets, for Norwalk.
Mr. Nath[ll] Sutliff, Mr. Nathan Camp, for Durham.
Mr. John Bulkley, Mr. Nath[ll] Foot, for Colchester.
Capt. Ob. Horsford, Capt. Hez. Gaylord, for Hebron.
Mr. John Cook, Mr. Joseph Wittar, for Preston.
Mr. Joseph Minor, Mr. John Noyes, for Stonington.
Capt. Josiah Hart, Mr. Daniel Wadsworth, for Farmingtown.
Mr. Joseph Strong, for Coventry.
Capt. John Russell, Mr. Daniel Barker, for Branford.
Capt. Samuel Hill, Mr. Benjamin Hand, for Guilford.
Mr. John Starr, Mr. Thomas Benedict, for Danbury.
Capt. Thomas Wells, Mr. David Hubbard, for Glassenbury.
Capt. James Reignolds, Capt. John Lyon, for Greenwich.
Mr. Joseph Kingsbury, jun., Mr. Isaac Huntington, for Norwich.
Capt. Joseph Minor, Capt. William Preston, for Woodbury.
Capt. Roger Newton, Capt. Samuel Gunn, for Millford.

Capt. Roger Newton, Speaker, } of the House of Represent-
Capt. John Russell, Clerk, } atives.

This Assembly do establish and confirm Mr. David Hubbard of Glassenbury to be Captain of the second company or trainband in the town of Glassenbury aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Hollister of Glassenbury to be Lieutenant of the second company or trainband in the town of Glassenbury aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Keeny of Glassenbury to be Ensign of the second company or trainband in the town of Glassenbury aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Denisson, jun[r], of Newlondon to be Captain of the north company or trainband in the town of Newlondon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elisha Merrick of Newlondon to be Ensign of the north company or trainband in the town of Newlondon aforesaid, and order that he be commissioned accordingly.

[52] This Assembly do establish and confirm Mr. Daniel Hubbell of Fairfield to be Captain of the company or trainband at the parish of Stratfield, in the town of aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Burr of Fairfield to be Lieutenant of the company or trainband at the parish of Stratfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ephraim Hubbell of Fairfield to be Ensign of the company or trainband at the parish of Stratfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Theophilus Allyn to be Captain of the company or trainband at the parish of East Haven in the town of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Smith of Newhaven to be Lieutenant of the company or trainband at the parish of East Haven, and order that *they* [he] be commissioned accordingly.

This Assembly do establish and confirm Mr. William Hall of Guilford to be Ensign of the company or trainband at the parish of North Guilford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Thompson of Wallingford to be Captain of the company or trainband at the parish of New Cheshire, in the town of Wallingford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Brooks of Wallingford to be Lieutenant of the company or trainband at the parish of New Cheshire, in the town of Wallingford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Bunnell of Wallingford to be Ensign of the company or trainband at the parish of New Cheshire, in the town of Wallingford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joshua Loomiss of Windsor to be Captain of the south company or trainband on the east side of Connecticutt river in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Moses Fish of Groton to be Ensign of the first company or trainband in the town of Groton aforesaid, and order that he be commissioned accordingly.

[53] This Assembly do establish and confirm Mr. Israel Hewitt of Stonington to be Captain of the second company or trainband at the town of Stonington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Billings of Stonington to be Lieutenant of the second company or trainband in the town of Stoningtown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Keeler of Norwalk to be Captain of the second company or trainband in the town of Norwalk aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Lockwood of Norwalk to be Lieutenant of the second company or trainband in the town of Norwalk aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Cluckstone of Norwalk to be Ensign of the second company or trainband in the town of Norwalk aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Andrew Burr of Fairfield to be Lieutenant of the second company or trainband in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Nathaniel Stanly, Esq^{r}, of Hartford, to be Captain of the first company or trainband in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Sutleif to be Captain of the second company or trainband at West Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Hezekiah Brainerd of Haddam to be Lieutenant of the second company or trainband in West Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Bayley of Haddam to be Ensign of the second company or trainband in West Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Rogers of Newlondon to be Lieutenant of the 4th company or trainband in the town of Newlondon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Russell of Branford to be Ensign of the company or trainband at the north parish in the town of Branford aforesaid, and order that he be commissioned accordingly.

[54] This Assembly grants a rate of two pence on the pound on all the polls and rateable estate in this government, to be paid into the publick treasury in the bills of credit of this Colony with the usual advance of twelve pence on the pound, or in true bills of credit of four signers of the Massachusetts Bay, or in true bills of credit of New York, without advance on them, or in silver money as it passeth in the country.

Upon the memorial of John Bouton of the parish of Canaan in the county of Fairfield, and the rest of the inhabitants of said parish, moving to this Assembly to appoint, fix and ascertain, a place in said society for the setting and building a meeting house for the worship of God in said parish: This Assembly do appoint Capt. Gershom Bulkley of Fairfield, Mr. John Thompson and Capt. James Lewis of Stratford, a committee, to repair to said parish of Canaan to view, consider and report to this Assembly, or to the Assembly in May next, concerning the place that they judge most convenient for the setting of their meeting house.

The Gentlemen nominated to stand for Election in May next, as sent in by the Freemen of the respective Towns in this Government to this Assembly, are as followeth, viz:

The Hon^{ble} Joseph Talcott, Esq^{r}, the Hon^{ble} Jonathan Law, Esq^{r}, Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Roger Wolcott, Esq^{r}, James Wadsworth, Esq^{r}, John Hooker, Esq^{r}, Nathaniel Stanly, Esq^{r}, Joseph Whiting, Esq^{r}, Ozias Pitkin, Esq^{r}, Timothy Pierce, Esq^{r}, John Burr, Esq^{r}, Samuel Lynde, Esq^{r}, Edmund Lewis, Esq^{r}, Capt. Roger Newton, Mr. Thomas Fitch, Mr. Ebenezer West, Capt. Samuel Mather, Mr. Richard Christophers, Capt. William Pitkin.

Upon the memorial of Samuel Cook and Caleb Woodward, both of Windham, shewing to this Assembly that they always accounted themselves to belong to said town, and gave in the list of their estates in said town for the year 1730, and yet they were warned by the listers of the town of Canterbury to give in their lists to them in order to pay their taxes there; and because they did not, the said listers of Canterbury did doom the memorialists for their heads and stocks, and sent the same to the General Assembly in May last; and the constable of Canterbury has demanded of the said Samuel Cook £1 7*s*. 4*d*., and of the said Woodward the sum of £1 7*s*. 8*d*., as doom rates on the lists aforesaid; and yet the memorialists have paid their country taxes to the constable of Windham; and praying relief of this Assembly. And it being shewn to this Assembly that the wrong complained of by the memorial-
[55] ists hath accrued to them by reason || of the difference

that hath arisen between the inhabitants of the said towns of Windham and Canterbury respecting the dividend line: This Assembly do therefore order, that no distress shall be levied on the petitioners, or either of them, for the abovesaid rates, by any of the officers of the town of Canterbury, until the line between said townships is settled; and until said line is settled, the petitioners shall pay all rates to the town of Windham, as formerly.

This Assembly do direct and order Mr. John Whiting, Treasurer of this Colony, to attend this Assembly on Wednesday the 27th instant, and bring with him such a quantity of bills as may be sufficient to defray the charges of this Assembly.

Whereas this Assembly in May last did, at the request of sundry of the inhabitants of the southern part of the town of Pomfrett and of the northern part of the town of Canterbury, appoint Messrs. Jabez Huntington, William Pitkin and Ebenezer West, a committee to view a certain tract of land lying between the ancient and first bounds of the townships of Canterbury and Pomfrett; and said committee having viewed said tract of land and reported it as their opinion to this Assembly, that considering the great difficulties the inhabitants on the said tract of land are under by reason of their great distance from the publick worship of God, that it will be an act of justice in this Assembly, and for the interest of religion, to grant unto them parish powers and privileges, including said tract of land, with the inhabitants of the same, bounded as followeth: east with Quinnebaug river, west with Windham line, north with the ancient and first bounds of the towns of Pomfrett and Mortlake, and from thence extending south to a line run and described by Mr. Josiah Conant, surveyour, as by a plat thereof may appear, dated September 4th, 1731, which line runs east and west across the bounds of said Canterbury and is parallel with Canterbury south line, and runs across near the south part of the dwelling house of Thomas Davenport; said line, as thus mentioned and described, to be the south bounds of said parish: and the inhabitants of said tract of land praying they may be a parish and enjoy all parish powers and privileges as usual: This Assembly does therefore [56] grant unto the said inhabitants all parish || powers and privileges, and order and enact, that the said parish shall include all the land contained within the abovementioned bounds and limits. And whereas it is represented to this Assembly, as well by the said committee as by the proprietors and inhabitants of the south part of Mortlake, (viz.) so many of them as lie south of the south line of the land belonging to

his Excellency Jonathan Belcher, Esq^{r}, and that also Joseph Holland and Joseph Davisson, inhabitants of the south part of Pomfrett not included in the abovementioned parish, are willing to be annexed to the said parish or society: It is therefore ordered by this Assembly, that, provided an orthodox minister be called and settled in the abovementioned parish with the allowance of this government and by the approbation of the association of Windham county, then the said south part of Mortlake as abovementioned, and the said Joseph Holland and Joseph Davisson of Pomfrett, shall be annexed to said parish; they, their lands, polls and other rateable estate to be rated and taxed in said society or parish; and they, and the inhabitants of the said south part of Mortlake, shall enjoy all parish privileges in said parish so long and until the publick worship shall be regularly set up nearer to them in the townships of Mortlake or Pomfrett.

Upon the petition of Robert Denisson of Newlondon in the county of Newlondon, *versus* Joseph Otis of the same place, complaining of a judgment of the superiour court held in Newlondon in March last, given against him in an action brought by him against said Otis demanding the seizin of one fifth part of six hundred acres of land, bounded as in the writ dated the 18th day of November *anno Dom.* 1729, alledging a mistryal, &c., in said case, and praying for another hearing of said case, for the reasons assigned: Resolved by this Assembly and the authority thereof, that the petitioner, Robert Denisson, shall be allowed one tryal more of said case at the superiour court to be held in Newlondon in March next, and that the whole costs shall follow the judgment.

The committee appointed to consider and report their opinion upon a letter and sundry other papers from Rip Van Dam, Esq^{r}, respecting the encroachment of the French in building [57] a fort at Crown Point, || are of opinion, that his Honour the Governour be desired to write to Mr. Rip Van Dam, expressing his great concern to hear of such an attempt, and his high approbation of the measures taken by the Council and Assembly of the Province of New York, and his hopes that they may well succeed; and that, forasmuch as he cannot inform his Majesty of these matters of fact, only as he has received an account of them from his Honour the President, he conceives his joyning in the information to his Majesty will be of no advantage to it.

Jonathan Law,	Ebenezer West,
Samuel Eells,	William Pitkin,
Roger Wolcott,	Samuel Gunn,
James Wadsworth,	Samuel Hill.

The foregoing report accepted and approved by this Assembly.

A List of the Rateable Estate in the respective Towns in this Government.

	£	s.	d.		£	s.	d.
Hartford,	28970	11	6	Newhaven,	36035	3	1
Fairfield,	29949	16	11	Newlondon,	21121	0	0
Windham,	13844	14	9	Norwalk,	20395	10	1
Wallingford,	23309	1	0	Weathersfield,	22302	0	6
Symsbury,	9766	11	0	Greenwich,	11851	7	0
Plainfield,	7582	3	6	Glassenbury,	8205	13	0
Colchester,	12122	15	8	Lebanon,	21074	6	6
Windsor,	24421	7	0	Stoningtown,	20054	19	6
Haddam West,	6138	1	4	Farmingtown,	20488	13	0
Milford,	23891	19	5	Derby,	6064	6	0
Killingsworth,	8316	1	4	Norwich,	27478	10	1
Killingly,	7843	19	2	Saybrook,	14095	7	3
Woodbury,	9227	9	0	Groton,	14216	11	3
Lyme,	15864	1	0	Haddam East,	10261	14	0
Pomfrett,	8083	10	0	Danbury,	8576	2	0
Stanford,	18666	13	1	Ashford,	4145	5	0
Preston,	11905	15	8	Canterbury,	8130	13	10
Guilford,	21815	19	6	Mansfield,	6385	7	0
Durham,	7821	8	6	Waterbury,	6392	15	0
Coventry,	6561	18	0	Stratford,	27889	14	0
Midletown,	23511	11	0	Hebron,	7673	15	6
Branford,	15599	19	8				

Upon the motion of the party who have seperated themselves from the old society of Guilford, on the recommendation of the Reverend Mr. Timothy Woodbridge and divers other reverend elders of the churches in this Colony, that it may be of service to the interest of religion for this Assembly, in conformity [58] to a former act of this || Assembly in reference to Stratford, to appoint some from each association in this Colony to enquire into their case, in order to the bringing matters to a comfortable issue,

This Assembly observing that the society in Guilford having not come into the establisht platform of church discipline as allowed and confirmed by the laws of this Colony, and more especially upon consideration that the dissenting party of that society have, by their agents from time to time before this Assembly, declared their dissent from the said platform of church discipline, and thence suppose they cannot be holden nor obliged to abide by the determination of any association so appointed according to the rules of the platform of church discipline establisht as aforesaid: Whereupon this Assembly

consider that [it] is not reasonable for this Assembly to oblige nor direct the several associations throughout this Colony to send their delegates to hear the said society and dissenting party at Guilford, as the reverend elders in their memorial have proposed: Yet nevertheless, if the dissenting part of the church of Guilford (so called) shall themselves move to the elders of the several associations in this government to send their delegates, to consider of the difficulties that have arisen in said society, and to give their advice to said society on the premises, at the proper charge of the dissenting party, that then this Assembly do advise that the several associations appoint and send their delegates to Guilford, giving suitable notice to all parties concerned of the time of their meeting, and, being met, that they use all proper measures and endeavours to bring each party to a sense of any errors they find them to have been in, and to endeavour to moderate their tempers and bring said society into christian love, peace and unity; and if that desirable end cannot by them be attained, said association are directed to signify to the General Assembly, to be holden at Hartford in May next, what they shall think proper and best to be done for the good and peace of the several parts of the said society and the support and honour of religion amongst them.

We, the underwriters, who were appointed to consider and report our opinion upon the letters from the Board of Trade, &c., and also from Mr. Rip Van Dam, are of opinion, 1st, That his Honour the Governour send the laws to their lordships, informing them that Governour Saltonstall was enquiring for [59] a || fair law book to send to their lordships, and that he received the first information by Mr. Popple's letter, that the Board of Trade had not received our laws from Mr. Saltonstall. And we submit it to the wisdom of this Assembly, whether in point of prudence it may not be best, by some meet persons, strictly to view our laws, in order to make alterations or additions as this Assembly shall think proper.

2ly. That his Honour inform Mr. Rip Van Dam, that he will send him our laws as soon as a book may be procured, that he shall also send them to the Board of Trade.

3ly. When his Honour the Governour hath viewed the answer sent June, 1730, to their lordships, respecting manufactures, &c., that his Honour write what may be thought proper to assure the Board of Trade that we have not by any præmium incouraged any manufactory in this Colony. All which is humbly submitted.

Roger Wolcott,
James Wadsworth,
William Pitkin.

The above report accepted and approved by this Assembly.

To the Honourable the General Assembly to be holden at New-haven in October next:

Pursuant to an act of this Assembly at their sessions in May last, directing us, the subscribers, to repair to Stoningtown and hear the contending parties, (called the East and West parties,) there at large on their controversies, and make report to the Assembly in October next, what we think most just and right to be done with and for the said parties, relating to said controversies, and to draw a suitable line to divide them if we judge it for the best good of said society to be divided into two societies,—accordingly met there on the 7th instant, and on the 8th and 9th heard the parties at large; and having maturely considered their pleas and allegations, are of opinion that a division is of absolute necessity; and do therefore humbly propose that the dividing line shall begin at the mouth of Stonny Brook, and run northerly as the brook runneth till it come to the country road, thence easterly as the road runneth to the northeasterly bounds of Mr. Rossiter's home lot, thence northerly so as to leave the farms of Samuel Frink and Isaac Wheeler on the east, and Joseph Page, Jonathan Wheeler and Daniel Stanton on the west, and then a north line to the south bounds of the north parish; provided nevertheless, that if any of the persons on either side said line choose to joyn with the [60] society || on the other side, and do at the session of the Assembly in October next manifest their desire so to do, they may have liberty with their estates. And inasmuch as those of the west party are likely (if such a division should be allowed of) to enjoy the labours of Mr. Rossiter, who was settled at the joynt charge of the whole south society, we are of opinion that tis but just and reasonable that the west society should refund, towards the settlement of a minister in the east society, the sum of two hundred pounds. All which is humbly submitted by your Honours' most humble and obedient servants.

Samuel Lynde,
Stoningtown, Sept. 10th, 1731. Edmund Lewis, } *Com^tee.*
Thomas Wells,

The aforegoing report accepted and approved by this Assembly, with the following amendment, (viz:) That the persons on the east side of the line who have manifested their desires to this Assembly to be joyned to the society on the west, do pay their taxes to the east society till the west society do refund unto the east society the sum of two hundred pounds, for the better enabling them to settle a minister, or give security to the acceptance of the east society for the same.

This Assembly do appoint Mr. Richard Lord of Lyme to be a Justice of the Peace in the county of Newlondon.

This Assembly do establish and confirm Mr. Theophilus Munson of Newhaven to be Captain of the second company or trainband in the town of Newhaven aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Andrew Tuttle of Newhaven to be Lieutenant of the second company or trainband in the town of Newhaven aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Candey of Newhaven to be Lieutenant of the company or trainband at the parish of West Haven, in the town of Newhaven aforesaid, and order that he be commissioned accordingly.

To the Honourable the General Assembly now sitting at Newhaven:

Whereas we, the subscribers, being appointed by the said Honourable Assembly a committee to repair to the parish of Canaan in the county of Fairfield, to view, consider, and make [61] report to || said Assembly, or to the Assembly in May next, concerning the place most convenient for said parish to set up and build a meeting house for the worship of God: In pursuance whereof, we having repaired to said parish, and having viewed and considered, as we judged, the most convenient place in said parish, do make the following report to said Honourable Assembly, that we do appoint, fix and ascertain the place in said parish for the setting and building a meeting house for the worship of God, to be on Haynes' Ridge, (so called,) near the southward end of said ridge, on a flat rock with a monument or heap of stones on said rock, being between two roads or highways, and being, as supposed, near or about twenty rods west of Canaan road. The above service and work performed by us this twenty sixth day of October, *anno Dom.* 1731.

John Thompson,
Gershom Bulkley,
James Lewis,
} *Com^tee.*

The aforegoing report accepted and approved by this Assembly.

Upon the memorial of Mr. Samuel Morriss, attorney to Joseph Thompson of London, Esq^r, praying that a patent may be granted for two thousand acres of land laid out to the said Joseph Thompson, Esq^r, in the northeasterly corner of this Colony: Resolved by this Assembly, that the said Joseph Thompson, Esq^r, shall have a patent, signed by the Governour and Secretary, for the said two thousand acres, as bounded in the surveys made by Mr. Josiah Conant, the one dated No-

vember 10th, 1727, the other dated May 6th, 1731, with a reservation of three hundred and seventy acres granted and laid out to several persons before the first survey, and included therein.

An Act in Addition to An Act entituled An Act for Explaining of and Addition to that Law made October, 1714, concerning Listers.

Whereas it is provided in said act that the listers in the several towns, being sworn to a faithful discharge of their work, shall return the sum total of the list unto the General Court in October annually, with a certificate from the assistant, justice of the peace, or town clerk, before whom the said listers were sworn, that they were sworn to a faithful discharge of their work: And it is further provided in said act, that if no sum total of the list be returned from any town, or not [62] with such certificate, || such town shall be doomed by the Assembly; and it is not provided in said act that the time of such listers being sworn shall be certified,

Be it now further enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That in such certificate it shall be certified that such listers were sworn as aforesaid before the first of July, or otherwise such certificate shall not be accepted, and such town shall be doomed by the Assembly accordingly.

Upon the memorial of Daniel Benedict junr, Danll Taylor and Theophilus Taylor, all of Danbury, praying this Assembly that they may have a patent granted to them of sixty acres of land granted to Richard Olmstead, at Hartford, May 13th, 1669, which was surveyed and laid out to said Benedict and his said partners by Edmund Lewis, surveyour of the county of Fairfield, on the west bounds of Danbury township, as by his survey thereof, dated March 25th, 1724, which is recorded on the Colony records, may appear; as also for a patent for one other grant of land, granted to one Benjamin Fenn, of two hundred and fifty acres of land, dated at Hartford, May 19th, 1670, which land was also laid out to said Benedict and his said partners by said Lewis on the west of said Danbury, as may appear by the survey thereof, dated April 18th, 1723, which is also recorded on the Colony records; in which memorial they, the said memoralists, shew to this Assembly, that the grants aforesaid have by them to whom they were made been sold, and that they have purchased them: Whereupon it is resolved by this Assembly, that the said Danll Benedict, Daniel and Theophilus Taylors, may have a patent of the aforesaid tracts of land, as they are butted and bounded in the surveys aforesaid, executed to them as the law directs.

An Act for Repealing some Part of the Law of this Colony entituled An Act relating to Attourneys.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said act or law, so far as it relates to the limiting or restraining the number of attourneys in this Colony, shall be repealed, and is hereby repealed and made void.

Upon the memorial of Abram Worster, Thomas Leavings-
[63] worth, Nathan Wheeler, Samuel Beard, Daniel Curtiss ‖ Yelverton Perry, Joseph Worster, and Josiah Perry, shewing to this Assembly that by them a discovery of a copper mine is made within the bounds of Woodbury, and within the bounds of a tract of land purchased by your memorialists of John Creesey and John Sherman, and that the same doth belong to them; praying that they, the said owners, and the said copper mines, may be regulated and governed by the law of this Colony made for the regulating the affairs of the copper mines at Symsbury: Resolved by this Assembly, that the abovesaid copper mines at Woodbury, and all the affairs thereof, shall be governed and regulated, with the proprietors that doth or hereafter may belong thereto, by the law aforesaid, as it is enacted and found in the law made by this Colony, in page 143 and 144.* And this Assembly do appoint Edmund Lewis of Stratford, and Joseph Minor and William Preston of Woodbury, Esq[rs], to be their Commissioners, and do hereby fully impower them to hear, issue and determine, all causes, matters, &c., respecting the said mines at Woodbury, in all respects and in all the ways that the commissioners appointed for the copper mines at Symsbury might or could do, by force and virtue of the law above referred to.

Upon the memorial of the inhabitants of the town of Wallingford, by their agents Samuel Hall and Gideon Ives, shewing to this Assembly that by sundry acts of this Assembly, this Assembly did order that the town of Wallingford should, with the town of New Haven, build and maintain the bridge that is on New Haven East River, in the road leading from Wallingford to New Haven; and that, the reasons of said acts now ceasing, they pray the said inhabitants of Wallingford may be released and discharged from any care or charge about said bridge: It is ordered and enacted by this Assembly, that the said inhabitants and town of Wallingford shall, and are hereby for the future released and discharged from any care, cost or charge, about making, maintaining, mending or repairing,

* May, 1709. Vol. V. 104–5.

said bridge, and that the said town of New Haven for the future shall, at their own charge, maintain, mend and repair said bridge; and that, any former act of this Assembly to the contrary notwithstanding.

An Act Prescribing the Forms of several Oaths.

Whereas it is provided by the laws of this Colony that sev-
[64] eral || officers and jurors in several cases shall be sworn, and no form of oaths hath yet been provided to be administred to them,

It is therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the oath to be administred to a jury appointed to lay out or alter highways shall be in the following form, (viz:)

You swear by the name of the everliving God, that you will lay out the way mentioned in the precept by which you are now summoned, according to the best of your skill and judgment, with most conveniency to the publick and least prejudice to any particular person or persons; and that you will make a just estimation of the damages done to the property of any particular person by your laying said way, according to your best judgment: So help you God.

And it is further enacted by the authority aforesaid, That the oath to be administred to a jury impannelled to inquire into forceable entry or forceable detainer shall be in the following form, (viz:)

You swear by the name of the everliving God, that you will well and truly enquire of the forceable entry or forceable detainer now complained of, and return a true verdict thereof, according to your own view, and to the evidence given you in court: So help you God.

Whereas the General Assembly in May last constituted Capt. John Riggs and Capt. Samuel Hill a committee, with the assistance of the surveyour of the county of Hartford, to run and ascertain the dividing line between the towns of New Milford and Newtown: the said committee making report or return to this Assembly in the words following: Pursuant to an order of the General Assembly holden at Hartford in May last, we, the underwriters, being assisted by Mr. Jonathan Burnham, surveyour of the county of Hartford, and chain-bearers sworn according to law, have run and ascertained the bounds between the townships of New Milford and Newtown. We began at the southwest corner of New Milford township, which is a heap of stones on the south side of a white oak tree, marked, at Danbury north bounds, (which, according to the

testimony of Mr. Nathaniel Stevens and Mr. John Hoyt of Danbury, upon their oaths,) is the bounds which were formerly erected by the county surveyour with sundry of the proprietors of said New Milford, (in their presence,) for said New Millford southwest corner, and from which they have since perambula-
[65] ted with Danbury accordingly, ‖ and observing that by New Milford patent the south bounds of the township of New Milford is a straight line from said southwest corner east to Woodbury, and the grant of the township of Newtown bounds the north by New Millford purchase, we run a straight line east by the surveyour's instrument from said southwest corner of New Millford township one mile and an half to a station, being a small ditch and a heap of stones at Danbury east bounds, being seventy rods and four links from Danbury north-east corner, which station was now erected and made; and from said station at the east bounds of Danbury we continued said line east to the river, called Potatuck River, where we laid a heap of stones near to the bank of said river, and monuments were erected in said line from the said east bounds of Danbury to said river, being a heap of stones at the end of every eighty rods from said station at Danbury east bounds; which line from said Danbury east bounds to said river, as above described, we ascertain as the dividend line between the townships of New Millford and Newtown. Done this 29th day of Septem^{r}, 1731.

Resolved by this Assembly, That the above run and described line, that is to say, that part thereof from the station at the east bounds of Danbury, (viz.) the ditch with stones, to the station on the bank of Potatuck River, shall be the dividing line betwixt the two towns of New Millford and Newtown; and the same is by this Assembly established and confirmed to be the dividing line as above, and that Newtown proprietors may have a patent for their township bounded north upon said line.

An Act in Addition to an Act made and passed in the sixth Year of the Reign of his late Majesty King George the first, intituled An Act for Explanation of and in Addition to [An Act] entituled An Act for Regulating Jurors and Witnesses in civil Causes, Pleas in Abatement of Writs, and Joyning Issues.*

Whereas in said act it is provided and declared, that when the general issue is taken in any action, the defendant shall have liberty to give any matter in evidence upon it, excepting only what he might have fairly pleaded in his justification: upon which many disputes have arisen: Which for the future to prevent,

* Vol. VI. 186.

Be it now enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when in any action the general issue is joyned, the defendant shall be allowed to give in his title in evidence, or [66] any || other matter or thing in his justification, as the nature of the action may be, excepting only a discharge from the plaintiff, or his accord, or some other special matter whereby the defendant by the act of the plaintiff is saved or acquitted from the plaintiff's demand in his declaration.

An Act Repealing one Paragraph of an Act passed in this Assembly at their Sessions in October, 1722, entituled An Act for Appointing the Judges of the Superiour Court to enquire into, hear and determine all Crimes committed in a late Riot at Hartford, and for Explanation of several Laws heretofore made concerning Burglary and Breach of the Peace.

Whereas in the said act it is provided and declared, that it is the true intent and meaning of the second paragraph of the law entituled An Act against theft and burglary, to provide against the breaking up any dwelling house, as well in the day time as the night:

Be it now enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, and it is hereby enacted and declared, That the said paragraph, explaining the law as aforesaid, be repealed, and the same is hereby repealed.

Upon the memorial of Mr. Timothy Mather, Mr. Richard Lord and Captain Stephen Lee, all of Lyme, praying liberty to build and erect a bridge across the river called Lieutenant's River in said Lyme, at the place where the new highway is laid open to said river, and that they take the profits, as this Assembly shall order: This Assembly grants the said Timothy Mather, Richard Lord and Stephen Lee, their heirs, executors, administrators and assigns, liberty to build and erect a bridge over said river, at the place aforesaid, and take the profits thereof for twenty years; and that the toll or fare of said bridge, for man, horse and load, shall be four pence; and for a single man or horse, shall be two pence; and all publick officers, and others that pass on the country's account, shall be excepted, as in the act relating to ferries. Always provided, that the town of Lyme shall have liberty to build and erect a bridge at the place aforesaid, if they surcease to erect the same within one year next ensuing, and take the toll thereof for twenty years, according to the aforesaid grant of this Assembly.

The report of Edmund Lewis, Esq[r], John Buell, and [67] || William Judd, appointed a committee to lay out the

western lands into townships, was read and approved by this Assembly, and order that the committee desist from any further proceedings, as to the viewing of the goodness and badness of the land, till this Assembly give further order.

Upon the petition of John Arnold of Mansfield *vs.* Jacob Drake of Windsor, the question was put, whether the pleas offered in abatement thereof were sufficient: Resolved by this Assembly in the affirmative. *Cost allow'd respondent* 3*l.* 5*s.* 5*d.* *Execution granted Febr'y* 1*st*, 173½.

Upon the petition of Robert Geer and others, proprietors of the common and undivided land in the town of Groton, *vs.* James Avery and John Morgan, guardians or overseers of the Pequod Indians, the question was put, whether the petitioners do appear to prosecute: Resolved by this Assembly in the negative. *Cost allow'd respondent* 3*l.* 17*s.* 1*d.* *Ex. granted April* 4*th*, 1732.

Upon the memorial of the western inhabitants of the town of Woodbury, praying liberty of hiring a minister to preach the gospel to them in the difficult seasons of the year, and that they may be released from paying taxes to any other during said time: Resolved by this Assembly, that the said inhabitants may have liberty of hiring a suitable person to preach the gospel to them for four months in the year, and be free the said one third part of the year, (provided they have preaching with them during said term,) from paying rates towards the support of the ministry in the parish where they belong.

This Assembly grants to Mr. Secretary Wyllys the sum of eight pounds, for his salary this current year.

This Assembly grants to Mr. Timothy Green, printer, the sum of 25*l.*, for his half years salary.

The several acts, grants and orders of this Assembly, as they stand entered in the pages next preceding in this book, were read in the presence of both Houses, and by them ordered to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Secret'y.

[68] *CONNECTICUTT COLONY.*

At a General Assembly holden at Hartford, in his Majesties English Colony of Connecticutt in New England in America, on Thursday the 11th day of May. anno regni Regis Georgii 2^d^, Magnæ Britanniæ, &c^a^., 5^to^, Annoque Dom. 1732.

Present.

The Honourable Joseph Talcott, Esq^r^, Governour.
The Honourable Jonathan Law, Esq^r^, Deputy Governour.

Samuel Eells, Esq^r^,	Joseph Whiting, Esq^r^,	*Assistants.*
Mathew Allyn, Esq^r^,	Ozias Pitkin, Esq^r^,	
Roger Wolcott, Esq^r^,	Timothy Pierce, Esq^r^,	
James Wadsworth, Esq^r^,	John Burr, Esq^r^,	
John Hooker, Esq^r^,	Samuel Lynde, Esq^r^,	
Nathaniel Stanly, Esq^r^,	Edmund Lewiss, Esq^r^,	

Representatives or Deputies that were returned to attend at this Assembly are as followeth, viz:

Mr. John Marsh, Mr. William Pitkin, for Hartford.
Mr. Isaac Dickerman, Mr. Jonathan Allyn, for Newhaven.
Mr. Jeremiah Miller. Mr. John Richards, for Newlondon.
Mr. Andrew Burr, Mr. Eben. Silliman, for Fairfield.
Mr. Richard Abbee, Mr. Jabez Huntington, for Windham.
Mr. Howkins Hart, Mr. Gideon Ives, for Wallingford.
Mr. John Perry, Mr. Philip Eastman, for Ashford.
Mr. Richard Lord, Mr. John Lee, for Lyme.
Mr. John Bulkley, Mr. Nathaniel Foot, for Colchester.
Major John Sabin, Mr. Jonathan Dresser, for Pomfrett.
Mr. James Packer, Mr. Christopher Avery, for Groton.
Mr. Henry Crane, Mr. Moses Parsons, for Durham.
Mr. Eph^m^ Kingsbury, Mr. David Whitney, for Plainfield.
Mr. John Riggs, for Derby.
Mr. Stephen Hopkins, Mr. Joseph Lewiss, for Waterbury.
Mr. Sam^ll^ Willard, Mr. Sam^ll^ Dotey, for Saybrook.
Mr. Ebenezer West, Mr. William Throop, for Lebanon.
Mr. Roger Newton, Mr. Nathan Baldwin, for Milford.
Mr. John Russell, Mr. Jonathan Rose, for Branford.
Mr. Samuel Mather, Mr. Henry Allyn, for Windsor.
Mr. Joseph Platt, Mr. James Lockwood, for Norwalk.
Mr. John Chester, Mr. Nath^ll^ Burnham, for Weathersfield.
Mr. Hez^h^ Gaylord, Mr. Samuel Palmer, for Hebron.
Mr. Ephraim Curtiss, Mr. Abell Birdseye, for Stratford.

Mr. Joseph Leavinz, Mr. Sampson How, for Killingly.
Mr. John Noyce, Mr. Increase Billings, for Stonington.
Mr. Hezekiah Packer, Mr. John Cook, for Preston.
Mr. George Phillips, Mr. Jabez Hamlin, for Midletown.
Mr. Joseph Minor, Mr. Will[m] Preston, for Woodbury.
Mr. Gerrard Spencer, for West Haddam.
Mr. James Reignolds, for Greenwich.*
Mr. John Lane, Mr. Dan[ll] Griswould, for Killingsworth.
[69] Mr. John Hart, Mr. Anthony Judd, for Farmingtown.
Mr. Thomas Wells, Mr. David Hubbard, for Glassenbury.
Mr. Solomon Tracy, Mr. Elisha Paine, for Canterbury.
Mr. John Hoit, Mr. Jonath. Bates, for Stanford.
Mr. Joseph Phelps, Mr. Joseph Case, for Symsbury.
Mr. Jeremiah Fitch, Mr. Peter Buell, for Coventry.
Mr. Jabez Hide, Mr. Simon Lothrop, for Norwich.
Mr. Thomas Stores, Mr. Josiah Conant, for Mansfield.
Mr. Samuel Hill, Mr. Benjamin Hand, for Guilford.

Mr. William Pitkin, Speaker, } of the House of Repre-
Mr. John Russell, Clerk, } sentatives.

This day being appointed by charter and the laws of this Colony for the election of the publick officers of this corporation, (viz:) the Governour, Deputy Governour, Assistants, Treasurer, and Secretary,—proclamation being made, the freemen proceeded to bring in their votes to persons chosen by the Governour, Council and Representatives, to receive, sort and count them.

The persons so chosen and appointed were, Nathaniel Stanly, Joseph Whiting, Timothy Pierce, John Burr, Samuel Lynde, Edmund Lewiss, Esq[rs], Mr. Nathaniel Burnham. Mr. Thomas Wells, Mr. John Riggs, Mr. Samuel Hill, Mr. John Richards, Mr. Sam[ll] Willard, Mr. Joseph Platt, Mr. Andrew Burr, Mr. Richard Abbee, and Mr. Jabez Huntington. And the freemen's votes being bro't in, sorted and counted,

The Honourable Joseph Talcott, Esq[r], was chosen Governour of this Colony for the year ensuing, and the Governour's oath, and the oath required by act of Parliament relating to trade and navigation, was administred to his Honour the Governour in the presence of this Assembly.

The Honourable Jonathan Law, Esq[r], was chosen Deputy Governour of this Colony for the year ensuing, and the Deputy Governour's oath was administred to him in the presence of this Assembly.

Samuel Eells, Mathew Allyn, Roger Wolcott, James Wads-

* The name of Capt. John Lyon appears on the Journal as having been also returned a Deputy for Greenwich: but it has been obliterated on the record here.

worth, John Hooker, Nathaniel Stanly, Joseph Whiting, Ozias Pitkin, Timothy Pierce, John Burr, Samuel Lynde, and Edmund Lewiss, Esq[rs], were chosen Assistants of this Colony for the year ensuing; and Samuel Eells, Mathew Allyn, Roger Wolcott, James Wadsworth, Nathaniel Stanly, Joseph Whiting, Timothy Pierce, John Burr, Samuel Lynde, and Edmund Lewiss, Esq[rs], had the Assistant's oath administred to them in the presence of this Assembly.

Mr. John Whiting was chosen Treasurer of this Colony for the year ensuing, and sworn to that office and trust.

Mr. Hezekiah Wyllys was chosen Secretary of this Colony for the year ensuing, and accordingly sworn to that office and trust in the presence of this Assembly.

This Assembly do appoint the Honourable Jonathan Law, Esq[r], to be Chief Judge of the Superiour Court for the year ensuing.

This Assembly do appoint Samuel Eells, Roger Wolcott, James Wadsworth and Joseph Whiting, Esq[rs], to be Assistant Judges of the Superiour Court for the year ensuing.

[70] This Assembly do appoint Roger Wolcott, Esq[r], to be Judge of the County Court in the county of Hartford for the year ensuing.

This Assembly do appoint Samuel Eells, Esq[r], to be Judge of [the] County Court in the county of Newhaven for the year ensuing.

This Assembly do appoint Samuel Lynde, Esq[r], to be Judge of the County Court in the county of Newlondon for the year ensuing.

This Assembly do appoint John Burr, Esq[r], to be Judge of the County Court in the county of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq[r], to be Judge of the County Court in the county of Windham for the year ensuing.

This Assembly do appoint the Honourable Joseph Talcott, Esq[r], to be Judge of the Court of Probate in the district of Hartford for the year ensuing.

This Assembly do appoint Joseph Whiting, Esq[r], to be Judge of the Court of Probate in the district of Newhaven for the year ensuing.

This Assembly do appoint Mr. John Plumb to be Judge of the Court of Probate in the district of Newlondon for the year ensuing.

This Assembly do appoint John Burr, Esq^{r}, to be Judge of the Court of Probate in the district of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^{r}, to be Judge of the Court of Probate in the district of Windham for the year ensuing.

This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate in the district of Guilford for the year ensuing.

This Assembly do appoint Mr. Joseph Minor to be Judge of the Court of Probate in the district of Woodbury for the year ensuing.

This Assembly do appoint Mr. Jonathan Hoyt to be Judge of the Court of Probate in the district of Stanford for the year ensuing.

This Assembly do appoint John Hamlin, Esq^{r}, Mr. Samuel Mather, Mr. David Goodrich, Mr. William Wadsworth, Mr. William Pitkin, Mr. Hezekiah Wyllys, Mr. John Marsh, Mr. Joshua Robbins, Mr. Giles Hall, Mr. Joseph White, Mr. James Wells, Mr. Thomas Gates, Mr. Thomas Wells, Mr. Nathaniel Foot, Mr. John Bulkley, Mr. John Bissell, Mr. John Buell, and Mr. John Chester, Mr. Joseph Phelps, to be Justices of the Peace in and for the county of Hartford for the year ensuing.

This Assembly do appoint John Hamlin, Esq^{r}, Mr. Samuel Mather, Mr. David Goodrich, Mr. William Wadsworth, and Mr. William Pitkin, to be of the Quorum in the county of Hartford for the year ensuing.

This Assembly do appoint Mr. Samuel Bishop, Mr. James Hooker, Mr. John Riggs, Mr. Roger Newton, Mr. John Russell, Mr. Wareham Mather, Mr. Samuel Brunson, Mr. Samuel Gunn, Mr. Theophilus Yale, Mr. Samuel Hall, Mr. Janna Meiggs, Mr. Henry Crane, and Mr. Thomas Judd, Mr. John Bostwick, jun^{r}, and Mr. Thomas Clark, to be Justices of the Peace in and for the county of Newhaven for the year ensuing.

This Assembly do appoint Mr. Samuel Bishop, Mr. James Hooker, Mr. John Riggs, Mr. Roger Newton, and Mr. John Russell, to be of the Quorum in the county of Newhaven for the year ensuing.

[71] This Assembly do appoint Mr. John Plumb, Mr. Daniel Palmer, Mr. John Brown, Mr. Joseph Backus, Mr. Abraham Pierson, Mr. Joshua Hempstead, Mr. James Morgan, Mr. James Avery, Mr. Joseph Minor, Mr. John Cook, Mr. Jabez Hide, Mr. Thomas Lee, Mr. Richard Lord, Mr. John Gris-

would, Mr. Samuel Willard, Mr. Joseph Blague, Mr. William Hide, junr, Mr. Christopher Avery 2d, Mr. Jabez Perkins, and Mr. John Mason, to be Justices of the Peace in and for the county of Newlondon for the year ensuing.

This Assembly do appoint Messrs. John Plumb, Daniel Palmer, John Brown, Joseph Backus and Abraham Pierson, to be of the Quorum in the county of Newlondon for the year ensuing.

This Assembly do appoint Mr. Joseph Platt, Mr. Joseph Minor, Mr. Andrew Burr, Mr. John Thompson, Mr. Jonathan Hoyt, Mr. Joseph Bishop, Mr. Samuel Peck, Mr. John Copp, Mr. Moses Dimon, Mr. John Grigory, Mr. William Preston, Mr. Samuel Couch, Mr. Joshua Knapp, Mr. James Beebee, Mr. Thomas Bennett, Mr. Thomas Tousey, Mr. Ephraim Curtiss, Mr. John Gold, Mr. Thomas Fitch, Mr. Richard Osborn, Mr. James Benedict, to be Justices of the Peace in the county of Fairfield for the year ensuing.

This Assembly do appoint Mr. Joseph Platt, Mr. Joseph Minor, Mr. Andrew Burr, Mr. John Thompson, and Mr. Jonathan Hoyt, to be of the Quorum in the county of Fairfield for the year ensuing.

This Assembly do appoint Mr. Thomas Huntington, Mr. Joshua Ripley, Mr. John Fitch, Mr. Joseph Adams, Mr. Ebenezer West, Mr. Joseph Strong, Mr. Richard Abbee, Mr. John Woodward, Mr. Joseph Leavinz, Mr. Peter Buell, Mr. Jonathan Dresser, to be Justices of the Peace in and for the county of Windham for the year ensuing.

This Assembly do appoint Mr. Thomas Huntington, Mr. Joseph Addams, Mr. Ebenezer West, Mr. Richard Abbee, to be of the Quorum in the county of Windham for the year ensuing.

This Assembly orders, That Roger Wolcott, Esqr, and Capt. Samuel Mather return the thanks of this Assembly to the Rev. erend Mr. Timothy Edwards of Windsor, for his sermon preached before the Assembly on the 11th of May instant, and desire of him a copy thereof, that it may be printed.

This Assembly do appoint Joseph Whiting, Samuel Lynde, Esqrs, Mr. Henry Allyn, Mr. Josiah Conant, Mr. John Richards, and Mr. Ephraim Curtiss, to be Auditors to audit the Colony accounts with the Treasurer.

This Assembly do establish and confirm Mr. Joseph Tracey of Norwich to be Captain on the east side of the dividing line of the second company or trainband in the town of Norwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Hopkins of Waterbury to be Captain of the 2d company or trainband in the town of Waterbury aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Brunson of Waterbury to be Lieutenant of the second company or trainband in the town of Waterbury aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Upson of Waterbury to be Ensign of the 2d company or trainband in the town of Waterbury aforesaid, and that he be commissioned accordingly.

[72] This Assembly do establish and confirm Mr. Daniel Woodruff of Farmingtown to be Ensign of the company or trainband at the parish of Southington in Farmingtown aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Whiting of Newlondon to be Lieutenant of the north company or trainband in the town of Newlondon aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Cook of Hartford to be Captain of the second company or trainband in the town of Hartford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Steel of Hartford to be Ensign of the second company or trainband in the town of Hartford aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Bulkley of Colchester to be Captain of the first company or trainband in the town of Colchester aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Foot of Colchester to be Lieutenant of the first company or trainband in the town of Colchester aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Bigelow of Colchester to be Ensign of the first company or trainband in the town of Colchester aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Billings of Stoningtown to be Ensign of the second company or trainband in the town of Stoningtown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Shepard of Midletown to be Ensign of the north company or trainband in the town of Midletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Phelps of Windsor to be Captain of the south company or trainband on the east side of the great river in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Loomiss of Windsor to be Lieutenant of the south company or trainband on the east side of Connecticutt river in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Roger Wolcott, junr, of Windsor, to be Ensign of the south company or trainband on the east side of Connecticutt river in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Bassett of Derby to be Lieutenant of the company or trainband in the town of Derby aforesaid, and order that he be commissioned accordingly.

This Assembly do appoint Mr. Timothy Russell of Derby to be Ensign of the company or trainband in the town of Derby aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Gaylord of Windsor to be Lieutenant of the 2d company or trainband in the town of Windsor aforesaid, and order that he be commissioned accordingly.

[73] This Assembly observing that, notwithstanding all the provision made for the preventing charge being brought upon the towns in this Colony by strangers, inmates and transient persons, by reason of such persons being entertained and set on work by them who live in the skirts of our towns, and other obscure places, out of the view and observation of the officers who should take care thereof,

It is now enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whosoever shall, after the tenth of July next, entertain any such person or persons by the space of forty-eight hours, and the said person shall, by sickness or any other accident, be reduced to necessitous circumstances, whereby he shall want relief, the person that so entertained him shall sus-

tain the charge thereof; excepting only when the person entertaining as aforesaid has, within forty-eight hours as aforesaid, given sufficient notice thereof unto the officers appointed by the law to take notice thereof, that in every such case, if the officers aforesaid, upon notice given them as aforesaid, do not use the proper methods provided by law to save such towns from charge, then it shall be defrayed by the town wherein it happens.

Upon the memorial of Anthony Judd and Thomas Hart, of Kensington parish, and the rest of the inhabitants of said parish, moving to this Assembly to appoint, fix and ascertain a place in said society for the setting and building a meeting house for the worship of God in said parish: This Assembly do appoint Capt. John Riggs, Mr. Isaac Dickerman and Mr. Ebenezer West, a committee to repair to said parish of Kensington, to view, consider and report to this Assembly in their present sessions, concerning the place that they judge most convenient for the setting of their meeting house.

The Additions to the Lists of Estates sent in from the several Towns in this Government, viz:

	Additions.			*Fourfold assessments.*		
	l.	*s.*	*d.*	*l.*	*s.*	*d.*
Millford,	209	6	10	125	14	0
Greenwich,	496	0	0			
Guilford,				450	0	6
Stoningtown,	170	14	0	276	0	0
Mansfield,	46	0	0			
Newhaven,	1424	17	0	229	16	0
Branford,	55	3	0			
Killingsworth,	148	8	0	464	0	0
Newlondon,	59	0	0	443	0	0
Stratford,	490	8	0	228	16	0
Lyme,	157	12	6			
Waterbury,	40	18	0	42	8	0
Kellingsly,	24	0	0	322	0	0
Colchester,	435	12	0	84	0	0
East Haddam,	147	0	0			
Windham,	160	19	9			
Norwich,	187	12	6	468	0	0
Canterbury,				370	0	0
Durham,	47	3	0	42	16	0
Weathersfield,	229	13	0	38	5	0
Woodbury,	377	11	0			
Farmingtown,	120	0	0	83	0	0
Fairfield,	551	13	10	1589	0	0
Wallingford,	351	9	0			

Windsor,	295	7	0			
Hebron,	24	8	0	625	4	0
Norwalk,	130	6	9	320	0	0

This Assembly being advised by a letter from Francis Wilks, Esq^{r}, our Agent in Great Britain, that this Colony is in arrears to the said Wilks for extraordinary services for this Colony, as per his account by his Honour the Governour laid before this Assembly, the sum of fifty pounds eleven shillings and eight pence sterling, for the payment of which sum fifty pounds of our bills was by this Assembly in May last granted to the said agent, and for his account sent to Jonathan Belcher, [74] Esq^{r}, and what the said fifty pounds || shall fail of procuring gold or silver sufficient to answer the account aforesaid, the Honourable the Governour is desired to draw out of the publick treasury of this Colony a sufficient sum of our bills of credit as will purchase gold or silver to ballance the account aforesaid.

An Act providing in Case of Sickness.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the better preventing the spreading of infections, when it shall happen that any person or persons coming from abroad, or from any town or place within this Colony, are visited, or that lately have been visited, with the small pox or other contagious sickness, or that may be suspected to have taken the infection of any such disease, which infection may probably be communicated to others, the selectmen of such town be and hereby are impowred, by warrant from two assistants or justices of the peace, or by any one where two cannot be come at, to take care and make effectual provision, in the best manner they can, for the preservation of the inhabitants, by removing and placing such sick or infected person or persons to and in a seperate house or houses, and by providing of nurses, tendance and other assistance and necessaries for them, at the charge of the parties themselves, their parents or masters, (if able,) or otherwise at the charge of the town or place whereto they belong; the accounts to be adjusted by the justices who granted the writs, and the money to be levied by distress signed by them. And in case it happen that any person or persons be visited with sickness in any other town or place than that whereunto they belong, and thereby occasion a charge to such town, the selectmen shall lay the account thereof before the county court where such town lies to which such person or persons belong, and the said county court having adjusted the accounts of such charge, and allowed so much thereof as they shall judge reasonable, shall order pay-

ment thereof to be made by the treasurer of such town, or in want of such treasurer by the selectmen of the same, (when the said court shall judge that the persons themselves, their parents or masters, are not able to make such payment.) And in case of the death of the person who should have stood charged with the debt, the said town shall recover the same of the executors or administrators of the deceased, and, for want of assets in their hands, of his heirs. And when it shall happen such indigent persons prove not to be inhabitants of this Colony, or belonging to any town or place within this Colony and the proper charge thereof in case they need relief, then the charge of their sickness shall be defrayed out of the publick treasury of this Colony, by warrant from the Governour with the advice and consent of the Council.

And be it further enacted by the authority aforesaid, That if need so require, any two justices of the peace or assistants, or where but one justice of the peace or assistant can be come at in the town where the occasion shall happen, may make out a warrant directed to the sheriff of the county, or his deputy, or constable of the town or place where any such sick person or persons shall be, requiring them, or any of them, in his Majesties name, (with the advise and direction of the selectmen of the same,) to impress and take up convenient housing, lodging, nurses, tendance and other necessaries for the accommodation of the sick.

[75] *And it is hereby further provided.* That if any town or place, visited as aforesaid, be in danger of suffering for want of suitable nurses or tenders which can't be procured in the same town, that a warrant shall be granted by the authority abovesaid, at their discretion, for the impressing any meet person or persons and other necessaries out of any other towns.

And be it also further enacted by the authority aforesaid, That if any person or persons, seamen or passengers, belonging to or transported in any ship or vessel arriving at any port or harbour within this Colony, happen to be visited with the small pox, or other contagious sickness, during the voyage, or to come from any place where such sickness prevails and is common; or if any person whatsoever shall come from any town or place, either in this or any of the neighbouring Provinces, where any such infectious disease doth or hath lately prevailed; or when any person or family may be justly suspected and feared to have taken the infection of any such like contagious sickness, it shall be in the power of the selectmen of the town to order such person or persons, or family, to confinement in such vessel and such place as they shall think

proper, or in such house or place for so long a time as they shall think most convenient and safe; and, if so need require, upon their application to a justice of the peace or more, (if they may be readily come at,) he or they may, and hereby are authorized to make out a warrant to the sheriff of the county, or the constable of the town, or, in want of such officers, or any other special reason, to some other suitable person, who is accordingly hereby required and impowred with the same authorities and under the same penalties as the proper officers are invested with or are liable to, both for the remanding such persons on board again and confining them to the places assigned them on board, or on the shoar; as also for the preventing persons coming to or going from them contrary to the orders given.

And it is further provided, That in case the distress should be so great that any further provision should be found necessary than in this act is provided, upon application to the Govcrnour, or Commander in Chief for the time being, he is hereby impowred to take such further order therein, with the advise and consent of his Council, as they shall think fit, for the preventing the spreading of such infection, or anything relating thereto.

And be it further enacted by the authority aforesaid, That if any person whatsoever shall willingly transgress against any rule or method made by this act, or provided by virtue thereof, to prevent the spreading of such diseases, whether by refusing to nurse or tend such sick person, or by resorting to any such sick persons or the places where they are, or shall (without lycence first had and obtained from a justice of the peace or selectmen) come on shoar from such ship or vessel, or other infected place where they are confined as aforesaid; or, being appointed to tend or be with such sick persons, shall dare to go abroad from the houses where such sick persons are kept, and go into any other house or company, every such person shall incur the penalty or fine to the town treasury where any such offence shall be committed, as the county court of that county wherein the town is shall judge meet, not exceeding the sum of twenty pounds.

And it is further provided, That if any person or persons [76] be impressed, ‖ as aforesaid, to nurse or tend, shall refuse or neglect to enter upon the said service, that it shall be lawful for them or him that granted the warrant as aforesaid, (if sufficient excuse to them satisfying be not shewn,) to commit him, her or them, to the common goal of the county where it happens to be, there to remain at his, her or their charge, till they better conform themselves or the occasion of impress-

ing shall be over, and signified by them who granted the warrant to the keeper of the goal, under his or their hand.

It is also further enacted, That when and so often as it shall happen that any person in any house, family, or any vessel, in any township, harbour or road within this Colony, shall be taken sick, and do fear and suspect it to be with the small pox or other contagious sickness as aforesaid, it shall be the duty of the head of such family, or master of the vessel, immediately to put forth a signal, (viz.) at every such house a white cloth of two foot square, or larger, extended on a staff or pole at least ten foot high, by the house, between the house and street or highway; and on board a vessel the signal shall be the same, hoisted on the shrouds; which signals shall be so continued till by order of a justice of the peace, or the selectmen of the town, they shall be discharged therefrom. And on failure hereof, the head of such family, or master of such vessel, on conviction thereof before the county court where such omission shall be, shall incur the penalty the said court shall adjudge them to, not exceeding thirty pounds.

And it is further provided, That every town and place where any such infectious disease shall break out, that, to prevent the spreading thereof, all owners of dogs shall destroy them or cause them to be killed; and in neglect thereof, it shall be lawful for any person to kill the said dogs.

An Act concerning Strays or Lost Goods.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whosoever shall take up any stray beast, or find any lost goods, being worth two shillings, whereof the owner is not known, he shall carry a true description of such stray beast or lost goods, with the natural and artificial marks, to the register of the town where such goods or beast were found, within fourteen days after the finding such goods or beast, who shall register the same, with the name of the person in whose keeping such goods or beast shall be, to the end the owner thereof by applying to said register may have notice thereof; upon penalty that the person so finding or keeping such goods or beast, and failing of his duty therein, shall for such default forfeit the value of such lost goods or stray beast, one half to the complainer and the other half to the town treasury. And if the owner shall appear within six months after the registring such lost goods or stray beast, and make good his title and claim, he shall have restitution of the same, he paying all necessary charges for the pains and care taken about such goods or beast as the next assistant or justice of the peace shall adjudge. And if no owner shall appear within the said

six months, the register aforesaid shall apppoint two freeholders who shall under oath apprize said goods or beast, according to the present true and just value thereof in money; and if the owner shall appear within six months next after such apprizement, and make good his title and claim as afore- [77] said, and pay all necessary || charges for the pains and care taken about such goods or beast to that time, (to be adjudged of as abovesaid,) he shall have restitution of the same, or the value thereof, at the election of the finder, according to the apprizement aforesaid. And if no owner shall appear within twelve months and a day after the registring of such lost goods or stray beast, the value thereof, according to the apprizement aforesaid, shall (after all just dues to the keeper, finder and register, are defrayed,) be to the use of the treasury of the town where such goods or beast were found; and the selectmen of such towns are hereby fully impowred to recover and receive the same for the use of said town. And when there shall be found on any stray beast (either neat-kind or horse-kind) the brand mark of any town in this Colony that is more than twenty miles distant from the town where such stray beast is taken up and registred, it shall be the duty of the person who shall have such stray beast in keeping, to send a copy of the entry made by the register of the town where such stray beast was taken up, to the register of the town where such brand doth belong, to be there entered within three months after the taking up such stray beast. Always provided, that the keeper of such lost goods or stray beast, being faithful in his taking care of them, such goods or beast shall be at the risque of the owner thereof during the first six months after such goods or beast are first registred.

And it is also further provided, That no beast shall be taken up as a stray, except it be found in a suffering condition.

And all former laws relating to strays or lost goods, (except such creatures as are found damage feasant and impounded,) are hereby repealed and made void.

Upon the memorial of James Patterson, David Curtiss, Josiah Kilbourn, and others of the inhabitants of Farmingtown annexed to the parish of Newington, shewing to this Assembly the difficulty of their going to the publick worship for want of convenient highways, and that they have applied themselves to the towns of Farmingtown and Weathersfield, and to the county court in the county of Hartford, and cannot yet obtain relief, &c[a].; and praying this Assembly to send a committee to lay out such highway or roads, for the use aforesaid, as they shall judge meet, or contrive some other way for their relief, &c[a].: This Assembly appoints Capt.

Jabez Hide, Capt. Sampson How and Mr. Philip Eastman, to be a committee to repair to the parish of Newington, and view and consider the circumstances of the petitioners with respect to highways, and whether they can be tolerably accommodated within the township of Farmingtown; and if not, where they may be accommodated with convenient highway or ways in the township of Weathersfield, with least damage to the owners of any lands in said townships, and make report to this Assembly. To be done at the cost of the petitioners.

Forasmuch as the council of delegates from the several associations have not reconciled the contending parties in the old society in Guilford, nor made report to this Assembly of the true state of their difference, and their opinion what may be done further for the promotion of peace and religion amongst that people: And whereas Mr. Caleb Leet and Pele- [78] tiah Leet have preferred their || memorial to this Assembly, complaining of the great disadvantage the minor party in said society labour under, by reason of said contentions; and praying that they may be made a distinct society of themselves, or that this Assembly would in some other way give them relief, as they shall think best; which this Assembly taking into consideration, do desire and impower Mathew Allyn, Esq^{r}, Roger Wolcott, Esq^{r}, and Capt. John Marsh, to be a council, at the cost of the minor party in said society, to repair to Guilford, and there hear the said parties on their differences, and endeavour to reconcile them in peace and love in a christian manner; which if they cannot obtain, then to report to this Assembly in October next the true state of their differences, with their opinion what is best to be further done by this Assembly to promote peace and religion amongst them. And this Assembly do order, that no distraint shall be made upon the minor party, for taxes for the support of the worship of God in said society, until the sessions of this Assembly in October next, upon condition the said minor party do suitably apply themselves to the said council, some time before the month of July next, for their help and direction, according to the order abovesaid.

Upon the prayer of Moses Dimon, Thomas Nash, Thomas Hill and others, selectmen of Fairfield, praying this Assembly that the charges expended upon one William Williams, a transient person who had his leg cut off in said Fairfield, might be paid out of the Colony treasury, which amounts to the sum of one hundred and eleven pounds seven shillings and nine pence: This Assembly orders the payment of the said sum of one hundred and eleven pounds seven shillings and nine pence out of the treasury of this Colony to the said

selectmen of Fairfield, by them to be improved to defray the charges aforesaid.

Upon the memorial of James Badcock, Ichabod Warner, John Johnson, Benjamin Seaberry and Stephen Bingham, all of Lebanon, praying this Assembly for some relief respecting sundry needful highways in Lebanon for them to travel in to the publick worship of God in said Lebanon: Resolved by this Assembly, that Mr. Josiah Conant of Mansfield, Capt. John Bissell of Bolton, and Mr. Simon Tracy of Norwich, they or any two of them, be a committee to repair to and view the places where the said highways are said to be needed, and make their report of the circumstances thereof to this Assembly at their sessions at Newhaven in October next.

Upon the memorial of the north part of the inhabitants of the north parish in Saybrook, called Pottapaug, which north part is called Pattaconk, shewing to this Assembly the disadvantage they are under to attend the publick worship of God at Pottapaug, by reason of the distance between them; praying this Assembly to grant them liberty to hire a gospel minister for some time in the year, to preach amongst them, and that for the time they so do, they may be discharged from paying ministerial charges to Pottapaug: This Assembly grants to the memorialists, called Pottaconk, free liberty to hire a gospel minister to preach the gospel with them at said Pattaconk five months in the year, yearly, from the first of December [79] till the last of April, during this Court's || pleasure; and do discharge them from paying any ministerial taxes to Pottapaug during said time, in said months, if they have a gospel minister to preach with them at Pattaconk.

This Assembly do establish and confirm Mr. Nathaniel White of Midletown to be Captain of the company or trainband on the east side of Connecticutt river in the town of Midletown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Goodrich of Midletown to be Lieutenant of the company or trainband on the east side of the great river in the town of Midletown aforesaid, and order that [he] be commissioned accordingly.

This Assembly do establish and confirm Mr. Stephen Stocking of Midletown to be Ensign of the company or trainband on the east side of the great river in the town of Midletown aforesaid, and order that he be commissioned accordingly.

Whereas this Assembly formerly appointed James Wadsworth and Samuel Lynde, Esq^rs, and Mr. Stephen Whittlesey, to be Guardians to the Mohegan Indians, with power to lease out the Mohegan lands, since which the said Mr. Stephen Whittlesey is removed by death; and now Ben Uncass, Sachem of the Mohegan Indians, appeared in Court, and desired that said Wadsworth and Lynde, with Mr. John Richards, may be guardians to the said Indians, to lease out their lands and take all proper care of the Indian affairs: Whereupon this Assembly do appoint James Wadsworth and Samuel Lynde, Esq^rs, and Mr. John Richards of New London, to be Guardians to said Indians; which guardians, or any two of them, are hereby directed and fully impowred to inspect the carriages and manners of said Indians, and use their endeavours that the said Indians be christianized, if possible, and industry incouraged among them. And the said guardians shall, and they are hereby impowred to lease out for a term of years such parcels of the Mohegan lands as they shall think proper. And whereas several of the leases that have formerly been given of said lands are expired, and the tenants refuse to surrender said land: This Assembly do impower and fully authorize the said guardians, or any two of them, as guardians to said Indians, to commence and carry on to final judgment and execution any suit at law, or use any other proper methods for the recovery of said land for the use of the Indians aforesaid; and order that Samuel Lynde, Esq^r, draw out of the Colony treasury the sum of five pounds, to be improved towards the carrying on any suit or suits that may be commenced by the above-named guardians in the affair abovementioned.

This Assembly do establish and confirm Mr. Thomas Griswould of Windsor to be Captain of the company or trainband at the northwest parish in the town of Windsor aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Barnerd of Windsor to be Ensign of the company or trainband in the town of Windsor at the northwest parish in said town, and order that he be commissioned accordingly.

[80] Upon the prayer of Nathaniel French and John Gibson, formerly of Voluntown, now of Providence Plantations, shewing they purchased some lands of this Colony, and that since by the late running the line between this Colony and Rhoad Island the said lands fall into the government of Rhoad Island, and shewing that they have been at great expences to

defend the same, and yet have lost said lands; and praying this Assembly to reimburse their said expences: Resolved by this Assembly, that the Colony treasurer pay the sum of fifty pounds out of the treasury, to be divided between the said French and Gibson and all others that were at expences with them, according to each mans proportion of said expences.

An Act for the better Managing and Securing and more equal Fencing Common Fields.

Forasmuch as particular enclosures in many places are bounded upon and partly fenced by the line of fence enclosing common fields, by which means the adjoyning parties differ about making and maintaining the dividend fence: Which to prevent,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when the line of fence enclosing any common field runs in the bounds of the land of any person making such particular enclosure and the land of the proprietors of the common field, the one moiety of the dividend fence shall be made and maintained by the proprietors of the common field, and the other moiety by the owner of such enclosure.

And be it further enacted by the authority aforesaid, That where the line of fence enclosing any common field runs cross the land of any person making such enclosure, leaving part of his land within the common field, in such case, in proportioning out the fence to such enclosure, consideration shall be had to the advantage or disadvantage the owner of such enclosure hath by the fence running cross his land; and the committee appointed to proportion out the fence of the common field shall also proportion out to the owners of such enclosures their part of the dividend fence, according to the rules aforesaid. And the fence-viewers are to inspect and repair the same as part of the fence of the common field.

And, to prevent damages that may arise by either of such parties laying open their field or enclosure,

It is further ordered, That neither the proprietors of such common field, nor the owner of such enclosure, by laying open their field or enclosure shall excuse themselves from making and maintaining their part of such dividend fence, without liberty so to do first had and obtained from the county court in the county where such fence is.

And, whereas there is many times occasion for the proprietors of common fields to meet more than once in a year, to order the affairs of their field,

Be it further enacted by the authority aforesaid, That the committee appointed for any common field may call a meeting of the proprietors of such field when they shall judge it needful, by giving warning to the proprietors of such field as live in the town where such field is, at least three days before such meeting, of the time, place and business of such meet- [81] ing. And the proprietors || of common fields, at any of their lawful meetings, are hereby impowred to levy taxes upon themselves, according to their interest in such field, for the defraying the charge in setting out the fence for such field, and for making gates and bridges for their field, or any other publick charge about the same, as they shall judge needful; and to appoint ratemakers and collectors, for the making and gathering such rates. And such collectors are hereby ordered to accept their office, and to collect such rates, and pay out the same to the orders of the proprietors, under the same penalties and with as full power as collectors of town rates are.

And, for the Encouragement of making Quick-set Fence,

It is enacted by the authority aforesaid, That such quick-set fence as shall be accounted sufficient in the judgment of the fence viewers, to fence against ruly horses, neat cattle and sheep, shall be accounted sufficient according to law.

Upon the petition of Peter Buor, Esq^{r}: This Assembly, observing that the judgment complained of, althô not now laid before the Assembly, yet is declared by the petitioner's attourney to be a judgment confest and execution respited for a time; and also that Capt. Charles Chambers hath not had any notification of the petition; whereupon the question being put, whether any thing should be granted upon the said petition: Resolved by this Assembly in the negative.

Upon the memorial of the north or first ecclesiastical society in Hartford, shewing to this Assembly that two thirds of the persons qualified by law to vote in their society had by their vote declared, that they were of opinion that said society were under necessity of building a meeting house to meet in to attend on the publick worship of God, and do apply themselves to this Assembly to determine the place where they shall set said house: This Assembly do thereupon order and appoint the said society to build their meeting house on the lot of land belonging to Mrs. Abigail Woodbridge, formerly Mrs. Willson's lot, lying east of the great street in the town of Hartford, on the north side the rivulet, (viz.) on the south of the great gate towards the southwest corner of said lot, and so nigh to the southwest corner as the committee of said society and Mrs. Woodbridge shall agree to.

Upon the memorial of Samuel Wadsworth of Farmingtown, shewing that by purchase he had obtained a grant of fifty acres of land made by this Assembly to Serjt. Thomas Tiballs of Millford, for his service in the Pequott war, at a Court of Election held at Hartford May the 11th, 1671; praying that the said grant may be revived and ordered to be laid out to him, said Wadsworth: This Assembly do accordingly revive said grant, and appoint Edmund Lewiss, Esq^{r}, surveyour of the county of Fairfield, to survey and lay out to the said Samuel Wadsworth the said grant of fifty acres of land, in the ungranted lands on the west side of Ousatunnuck river.

This Assembly do establish and confirm Mr. Gideon Cobb of Windham to be Captain of the company or trainband at the northeast parish in the town of Windham aforesaid, and order that he be commissioned accordingly.

[82] This Assembly do establish and confirm Mr. Samuel Hickcox of Waterbury to be Lieutenant of the 1st company or trainband in the town of Waterbury aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Scovell of Waterbury to be Ensign of the 1st company or trainband in the town of Waterbury aforesaid, and that he be commissioned accordingly.

Upon the memorial of Samuel Sedgwick, Joseph Gillett and William Gaylord, of Hartford, committee for the west society in Hartford, praying that a tract of land in Farmingtown, bounded east part on Windsor and part on Hartford, north on Symsbury, west on common or undivided land, and south on a highway running east and west south of Stephen Sedgwick's land, may be annexed to the said society: Resolved by this Assembly, that the inhabitants that now live, or hereafter shall live, upon the said tract of land, with all particular tracts of land lying therein and that do belong to and are improved by any person or persons who are or shall be inhabitants in Hartford, shall be assessed to the support of the gospel ministry in the said west parish in Hartford, and be discharged from paying any taxes that may be granted for the support of the gospel ministry in Farmingtown

Upon the memorial of William Pratt of Hartford, constable of said Hartford, praying of this Assembly to grant him a further time before he is obliged to account with the treasurer of this Colony for the country rate of the town of Hartford for the year 1729, of which he was chosen to be collector, for the reasons set forth in the said memorial: Resolved by this Assembly, that the treasurer shall stay execution for the rate

referred to in the memorial aforesaid, until the first of May next.

Upon the petition of Daniel Beckley of Weathersfield, complaining of a judgment of the superiour court holden at Hartford in March, 173½, given in favour of Daniel Stocking of Midletown, in an action of the case brought from the adjourned county court holden at Hartford on the second Tuesday of Febr'y, 1730–31, by a writ dated the 2d day of said Febr'y, wherein the said Stocking demanded one hundred and fifty pounds damages; praying for relief, (viz:) that the said judgment of the said superiour court be set aside, and he be allowed another tryal at the superiour court to be holden at Hartford in September next: Whereupon it is resolved, that the said judgment of the said superiour court be set aside, and that the said Beckley be allowed another tryal of said cause at the superiour court to be holden at Hartford in September next, and that the whole cost follow the suit.

Upon the petition of Joseph Tracy of Norwich, complaining of a judgment of the county court holden at Windham on the 4th Tuesday of June, A. D. 1730, recovered against him by Jeremiah Fitch of Coventry, on a note of hand for an hundred and fifty pounds bills of credit, by a writ dated May 27th, 1730, praying to this Assembly for relief: It is thereupon resolved, that the said Tracy have liberty to enter the same at the superiour court to be holden at Windham on the third Tuesday of September next, and that the said cause be tryed there as appeals are, on this condition, that he pay the cost taxed by said county court in the said case to said Fitch in the said superiour court, or deliver the same to said court for said Fitch, before they proceed to try the same.

[83] Upon the memorial of Samuel Pinney, Isaac Daviss and others, inhabitants living on the east side of the river in Windsor at the East Farms, praying this Assembly for liberty to hire a preacher amongst themselves: It is resolved, that the memorialists shall be allowed to improve the ministers rate levied upon them by the society on the east side of the river in Windsor for this present year, for the hiring a preacher amongst themselves; and so for the future, as long as the said society shall consent thereto.

Upon the memorial of Clark Carrington of Farmingtown, shewing to this Assembly that he was fourfolded by the listers for his whole estate in the year 1731, and praying this Assembly to abate and give to him so much of the country's part of said fourfold assessment, (which amounts in the whole to the sum of one pound eleven shillings and six pence,) except so

much as would arise upon a single assessment: Resolved by this Assembly, that the said memorialist have abated to him out of his country rate the sum of fifteen shillings and nine pence.

Upon the memorial of Maverick Johnson of Lebanon, shewing this Assembly that by a fall in his youth he brake one of his arms, and the same still languisheth, so that he is thereby much disabled for labour, praying to this Assembly that his poll may be exempted from paying rates: Resolved by this Assembly, that the said Johnson is hereby discharged from paying any rates for his poll.

This Assembly, upon consideration of the memorial of the first society in Canterbury and the memorial of some of the inhabitants of the town of Canterbury, do resolve, that Capt. William Throop, Mr. Experience Porter and Mr. Joseph Kingsbury, jun^{r}, be appointed, and they are appointed, a committee from this Assembly, to repair to Canterbury and inform themselves of the circumstances of the place and people there, and report to this Assembly at their sessions in October next their opinion, whether the bounds of their parishes should be altered; and, if so, in what manner; and at what place the meeting house in the old society should be set, if they, the said committee, shall judge the bounds of the society should not be altered; to be at the cost of the memorialists.

Upon the memorial of sundry of the inhabitants of Woodbury, setting forth the unhappy differences and contentions in that town, respecting the dividing said Woodbury into two societies and the line run to divide the said societies: This Assembly do appoint James Wadsworth, Esq^{r}, Capt. Thomas Wells and Capt. Isaac Dickerman, to be a committee, at the charge of the memorialists, to repair to said Woodbury and view their circumstances in reference to said affair, and hear the parties upon their grievances, and endeavour a reconciliation among the contending parties, and report to this Assembly in October next, what they think is proper to be done in reference to the premises. And it is hereby resolved, that the south society in said Woodbury shall not by any of their officers make distraint upon any of the memorialists for any parish taxes, before the end of this Assembly in October next.

Upon the petition of Humphrey Avery and John Dean of Groton, in the county of New London, proprietors, and the rest of the proprietors of the common and undivided land in the town aforesaid, petitioning by their agent, Luke Perkins, *vs.* Capt. James Avery and Capt. John Morgan, of said Groton, as they are guardians or overseers of the Pequott Indians in said

town, representing and complaining of sundry difficulties and [84] contentions that have arisen and now || are continuing, respecting the lands at Masshantuxett, called Masshantuxett Lands, and praying for relief by this Assembly in the premises, as by said petition, stating and setting forth the case and circumstances thereof, on file in the secretary's office, may appear: Resolved by this Assembly, that Roger Wolcott, Timothy Pierce, Esq^{rs}, and Capt. William Throop, be and they are hereby appointed to be a committee, at the charge of the petitioners, to repair to said town, to hear the parties concerned, that they may be more particularly informed in and concerning the matters contained in the petition and circumstances relating thereto than this Assembly can be informed, and to endeavour an agreement among them and put the same into writing under the hands and seals of the parties, so that they may respectively be secured in their claims to the premises or use thereof, according to the true intent of all acts formerly done and appearing in writing relating to the same. But if said committee cannot gain such settlement, then they shall consider what is proper to be done in the said difficulties and controversies set forth as aforesaid, and report what they have done, or what they think proper to be done, in the premises, to this Assembly in October next, in order that a final issue may be, to the security and advantage of the parties.

Upon the memorial of George Dibble, Ebenezer Smith, Sam^{ll} Smith, and others of the inhabitants of Stanford and Horse Neck, praying that this Assembly would set off the people living in Stanford and Horse Neck within the bounds following, to be a parish by themselves, (viz:) To begin at the eight mile line, or division line between the Colony of Connecticutt and Province of New York, at the partition line between Stanford and Horse Neck, and so to run eastwardly by said eight mile line three miles, and westwardly by said line one mile and a half, and to run southwardly by said partition line between Stanford and Horse Neck four miles, and thence a parallel line with said eight mile line three miles into Horse Neck, and one and a half into Stanford: Whereupon it is resolved, that Edmund Lewiss, Esq^{r}, Capt. Joseph Platt and Mr. Andrew Burr, be a committee to repair to the place aforesaid, and to view the same and consider of the circumstances of the people and place, and report to this Assembly in October next, whether the same will do for a parish, or whether a parish may be conveniently had at the place aforesaid; and this to do at the cost of the memorialists.

Upon the memorial of the inhabitants of the east part of the first society in Windham, praying that this Assembly would

grant that the said society be made into two societies, and that a line drawn across the land in said society northerly and southerly be the dividend line between them, and the inhabitants on the east of said line be a distinct society by themselves: It is now resolved, that a line beginning at the mouth of Merrick's brook, where it empties itself into Shoutuckett river, and so running northerly to the west line and to the southwest corner of the land of John Kingsley, where he now dwells, and from thence running to the brook called and known by the name of Beavour brook, at a place in said brook called the Beaver Dam, or John Fitch's dam, and from thence a straight line to the said brook called Merrick's brook, at a place where the road or path from Windham first society to the Burnt Cedar swamp crosseth said brook, then running [85] southerly by the said brook to the southwest corner of the second society in said town, then running easterly by the south bounds of the said second society to the township of Canterbury, then running southerly by the town of Canterbury to the dividend line between Windham and Norwich, then running westerly by Norwich line to the mouth of the brook first mentioned; and that all the inhabitants, and their lands included within the lines and bounds above-mentioned, shall be a distinct society, and is hereby endowed with all those powers and privileges that other societies in this Colony are by law endowed with; and shall be called the third society in Windham.

Upon the petition of John Arnold, of Mansfield in the county of Windham, complaining of a judgment of the superiour court given against him in Windham in September last, in an action of the case brought there by act of this Assembly wherein he was plaintiff and Jacob Drake of Windsor defendant, wherein he demanded the sum of three hundred and fifty pounds damages by his writ dated November 25th, 1729; praying for another tryal of said action at the superiour court to be holden at Windham on the third Tuesday of September next, for the reasons assigned: Resolved by this Assembly, that the petitioner, John Arnold, have liberty to have another tryal of said action at the superiour court to be holden at Windham on the third Tuesday of September next, and that only the future cost follow the said tryal.

Whereas this Assembly hath, by their act in page 143*, have enabled the proprietors of the copper mines in Symsbury to convene together on the third Tuesday of April annually to choose a committee, and oftener as said proprietors shall see

* Vol. V., 104.

cause, but are not enabled to choose a clerk to enter the votes of said proprietors on record: by which means the end of the aforesaid act is wholly frustrated.

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said proprietors are hereby impowered and enabled in their annual lawful meeting, to choose a clerk to enter votes and grant copies, &c., and that the said clerk shall have the oath administred to him that is provided for proprietors' clerk, *mutatis mutandis.*

Upon the report of the committee with respect to what might be thought proper to be done as to the laying out and disposing of the country lands on the west side of the Ousatunnuck river, and said committee proposing to this Court, whether it may not be proper to appoint a committee to lay out a township at the north end of said lands, about eight or ten miles north and south as said committee shall think best, and further to view the whole tract, and upon view of the whole, if the committee think it sufficient to make two townships, to proceed to lay out another township as they shall judge most proper, and to make report of their doings, together with the quality of said lands, at the General Assembly to be holden in October next: It is thereupon resolved, and this Assembly do appoint Edmund Lewiss, Esq^{r}, Capt. Stephen Noble and Mr. William Gaylord, to be a committee to view said lands and lay out a township in the north part of it, of such dimensions as they shall judge best; and if upon view of said land, they shall be of opinion that it will accommodate a second township, they are ordered to survey and lay it out, and make report of their doings thereon, together with the quality of said lands, to this Assembly at their sessions in October next.

Upon the memorial of John Whiting, Treasurer of this Colony, shewing this Assembly that Mr. Joseph Backus, sher-
[86] iff of Hartford county, hath received of || him, the treasurer, sundry executions which should have been levied upon the several constables that had been chosen in the respective towns to collect the publick taxes, but had not collected the same; and yet the said sheriff had not paid into the publick treasury the sums mentioned in said executions: Resolved by this Assembly, that the said sheriff shall, some time at or before the tenth day of April next, account with the said treasurer for all sums of money mentioned in said executions and due to the government, and pay all such sums to the treasurer on or before said day; and that, upon default thereof, the Honourable the Governour and Council are desired to re-

move said sheriff from his office, and supply the place with some meet person. And this Assembly do further resolve, that if the said sums of money be not paid in as aforesaid, that then this Assembly will proceed in May next to appoint some suitable person to put the bonds in suit, given for said sheriff's faithful discharge of his office.

An Act appointing and impowring sundry Persons in the Town of Windsor, their Heirs and Assigns, that are Proprietors of several Parcels of Land lying westward of Farmingtown and Symsbury, to meet and make Partition of said Parcels of Land amongst themselves.

Whereas Mathew Allyn, Roger Wolcott and Samuel Mather, Esq^{rs}, of the town of Windsor, with sundry other inhabitants of said Windsor, obtained a patent duly executed under the seal of this corporation, dated May 22d, 1729, of the moiety or half part of a large tract of land, bounded north on the Province of the Massachusetts Bay; west, partly on land belonging to the Governour and Company of the Colony of Connecticutt, and partly on the town of Litchfield; south, partly on the town of Litchfield, partly on the town of Waterbury, and partly on the town of Farmingtown; east, partly on the town of Farmingtown, partly on the town of Symsbury, and partly on land belonging to the Governour and Company aforesaid; the other moiety being granted to sundry persons, inhabitants of the town of Hartford, as by said patent doth appear: And whereas the said Mathew Allyn, Roger Wolcott and Samuel Mather, Esq^{rs}, and the rest of the said patentees in the town of Windsor, by one deed of partition duly executed, dated February 11th, 1731–2, have made separation and partition of said lands between themselves and the said patentees of the town of Hartford; in which partition four lesser parcels of land (lying within said large tract of land) was parted, set out and divided to the said patentees in the town of Windsor: And whereas the said patentees in the town of Windsor, in their lawful proprietors' meeting, holden at Windsor April 7th, 1732, did make partition and division of said four parcels of land amongst themselves, allotting out each of the said four parcels to a certain number of said patentees and proprietors, to have and to hold the same in severalty to them and their heirs forever, as by an instrument of partition made and passed in said proprietors' meeting more fully appears:

Now, that the said proprietors of each of the said four parcels of land may be enabled and impowred in their proprietors' meetings, to make further partition and severance [87] thereof into ‖ particular shares and allotments amongst

themselves, in order to their making improvement and settlement upon the same,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the first parcel of land mentioned in said instrument of partition, containing 20924 acres, and bounded south, partly on Litchfield, partly on land belonging to said patentees in Windsor, called the Half Township; east and north on land belonging to the grantees of Hartford; west, on land belonging to the Governour and Company of the Colony of Connecticutt, is hereby named, and shall forever hereafter be called and named, Torrington. And Mathew Allyn, Roger Wolcott, Esq[rs], and the rest of the said proprietors of said Torrington, or any five of them, are hereby enabled to call a meeting of said proprietors, to be held in the town of Windsor, by applying themselves, or any five of them, to some assistant or justice of the peace in the county of Hartford, for a warrant for the calling such meeting. And such assistant or justice is hereby impowred to grant his warrant, expressing the time, place and business of such meeting, to one of the proprietors asking for the same, requiring such proprietor to warn all the proprietors of Torrington of such their meeting, by setting up attested copies of such warrant, under the hand of the assistant or justice granting the same, in three publick places in the town of Windsor, at least ten days before such meeting.

And be it further enacted, That the said proprietors of Torrington, in their proprietors' meeting assembled as aforesaid, by their major vote, to be computed according to their interest, shall be impowred, and they are hereby impowred, to choose their proprietors' clerk, who shall take the following oath, (viz:)

You N. W. being chosen clerk of the proprietors of Torrington, do swear by the name of God, that you will truly and faithfully execute the office of clerk for said proprietors, according to your best skill. You shall make true entries of all votes and orders of said proprietors, made according to law, as also of all grants, deeds of sale or gift, mortgages and alienations of lands lying in said Torrington, and give true copies of the same when you are so required, taking only your just fees: So help you God.

And it is hereby enacted and declared, That the entring of any deed, mortgage or alienation of lands, lying in Torrington, in the office of said proprietors' clerk shall fully secure the same from being avoided by any grant, deed or mortgage from the grantor entred on record afterwards.

And be it further enacted, That the said proprietors of Torrington be impowred, by their major vote as aforesaid, and they are hereby impowred, at their proprietors' meeting to choose one or more agents or attourneys in their name and stead to sue, prosecute or defend, before any court or judge, and to final judgment and execution to pursue, in any action or case for the maintaining or defending their title or possession in said lands, as also to make orders for the improvement or division of their said lands, as also to levy taxes upon themselves, according to their interest, for the raising such sum or sums of money as they shall judge needful, for the defraying the charge of any suit or suits, and for the making partition of said lands, as also to appoint ratemakers and col-
[88] lectors of such ‖ taxes, who are hereby impowred to gather and collect the same and shall be accountable for such rates to the proprietors' committee or treasurer, under the same penalties and as fully as the collectors of the town rates are impowred and obliged to. And the said proprietors, at their proprietors' meetings, are impowred to adjourn the said meeting to such time and place as they shall think proper, and to call after meetings in such manner as they shall order and agree. And all partitions of lands, made according to their interest by said proprietors in their lawful meetings, by their major vote as aforesaid, are hereby declared valid and lawful.

And be it further enacted, That the second parcel of lands mentioned in said instrument, containing 20531 acres, bounding eastwardly on the town of Symsbury, south and west on land belonging to Hartford grantees, northerly partly on land belonging to Hartford grantees and partly on land belonging to the said grantees in Windsor, is hereby named, and shall forever hereafter be called and named, Barkhamstead. And Capt. Thomas Moor and Lt. Jonathan Ellsworth, and the rest of the proprietors of Barkhamstead, are hereby as fully impowred to call a proprietors' meeting and to choose their clerk, ratemakers and collectors, agent or attourneys, grant taxes and make partition of their lands, and to adjourn their meetings and call after meetings, as is in this act provided and granted to the proprietors of Torrington; and their officers are alike impowred, and under the same penalties.

And be it further enacted, That the third parcel of land mentioned in said instrument, containing 18199 acres, bounded northerly on the Colony line, southerly partly on land belonging to Hartford grantees and partly on land belonging to the grantees of Windsor, westerly on land belonging to the Governour and Company of Connecticutt, easterly on land belonging to the grantees of Hartford, is hereby called, and shall

forever hereafter be called, Colebrook. And the same powers and privileges are hereby granted to Capt. Samuel Mather, Mr. Henry Wolcott, and the rest of the proprietors of Colebrook, as is in this act above provided for and granted to the proprietors of Torrington.

And be it further enacted, That the fourth parcel of land mentioned in said instrument, containing 9560 acres, bounded beginning at the northeast corner of Litchfield in the forks of Waterbury river, and from thence it runs east eight degrees and thirty minutes south seven hundred seventy-eight rods, to an heap of stones laid about a white oak tree, thence south six miles and forty rods, to a heap of stones, thence west to Waterbury, thence northwardly by the river to the first corner, is hereby called, and shall forever hereafter be named, Harwinton. And the same powers and privileges are hereby granted to Samuel Allyn, Daniel Bissell, and the rest of the proprietors of Harwinton, as is in this act above provided and granted to the proprietors of Torrington.

Upon the memorial of Thomas Seymour, John Curtiss, John Bissell, Solomon Coit, Joseph Witter, Thomas Forsdick, Joseph Trueman, jun^{r}, Peter Plumb, Daniel Coit, Joseph Rose, Thomas Rose, jun^{r}, John Chandler, jun^{r}, John Dwight, John Arnold, Peter Buell, Obadiah Horsford, Morriss Tillotson, Samuel Palmer, Richard Seymour, Zachariah Seymour, Samuel Selden, John Holmes, Ebenezer Way, Joseph Williams, Jonas Hambleton, James Rogers, John Ledgerd, John Coit, [89] jun^{r}, Joseph || Otis, Titus Holliburt, John Hough, Samuel Smith, Jonas Green, Thomas Stephens, Edward Cogswell, John Herrick, Joseph Billings, Walter Chapman, Ebenezer Putman, William Billings, Daniel Shaply, Joseph Miles, Sam^{ll} Fox, Edward Brockway, John Fisk, Thomas Gideons, Hugh White, Jonathan Rogers son of Jonathan Rogers, John Skinner, John Day, Nath^{ll} Otis, Ephraim Foot, Samuel Lattimore, Joseph Goreham, John Thompson, Richard Sackett, John Hazen, Amos Tinker, Ebenezer White, Peter Williams, and Thomas Stanly, representing to this Assembly that, for the promoting and carrying on Trade and Commerce to Great Britain and his Majesties Islands and Plantations in America, and other of his Majesties Dominions, and for encouraging the Fishery, &c^{a}., as well for the common good as their own private interests, according to one great end proposed by the royal charter granted to this his Majesties English Colony of Connecticutt, they have agreed and united themselves together to be a society, and have one common stock; also observing that, for want of authority to act and proceed in the business aforesaid, by votes, &c., as societies do, they labour under great

disadvantages in carrying on and promoting the business and ends aforesaid; and thereupon praying for the countenance of this Assembly, in putting them into a politick capacity as a society, to act and proceed in the premises, as per their memorial appears,

Resolved and granted by this Assembly, That the aforesaid Thomas Seymour, John Curtiss, John Bissell, Solomon Coit, and the rest of the abovementioned memorialists, be, and they are hereby, declared and constituted to be for the future one society in fact and name, by the name of New London Society united for Trade and Commerce; and that by the same name, they and their successors, and such others as shall be, according to the rules and orders of said society, admitted into the same, whom they are hereby impowred from time to time to admit and unite with them, shall and may have continual succession, and shall and may be persons capable by law to sue or be sued, by their name aforesaid, as other societies are by the laws of this government. And, for the better proceeding in the matters aforesaid, it is granted, that they have liberty to choose annually, at such time and place as they shall agree upon, a moderator, a clerk, a committee of three men, and a treasurer; which moderator shall be endowed and vested with authority as other moderators in other societies by law are; and the clerk and treasurer shall be sworn to a faithful discharge of their trust; and that the clerk make and keep true entries of all the votes, orders, rules and proceedings, by the society directed to be entered and kept; and that the treasurer keep a true and just account of all matters relating to his office and trust, and render the same to the said committee once a year annually, as the said society shall order; and that the committee be for ordering the prudentials of the society, and for the putting in execution the orders, agreements and rules of the society, and carrying on and promoting the affairs and interests thereof; and that the society in their meetings, after the first time, to be and be warned in such manner and at such time and place as they agree upon, shall make their own orders, rules, agreements, and give directions respecting the premises, and in the whole thereof, by major vote of those present, the whole being duly warned, the votes to be computed as follows, (viz.) one vote for thirty pounds and upwards to a hundred, to be reckoned to him that puts the same into the stock, two votes for the first hundred pounds reckoned to him that puts in the same, and then one vote more for every hun-
[90] dred pound reckoned as aforesaid, till it amounts || to a thousand; which orders and rules shall be binding upon the particular members of said society, and no man shall have

liberty to take out his stock without leave of the society, thô he may sell the same. And, for the better enabling them to begin the aforesaid proposed ends, the aforesaid Thomas Seymour, John Curtiss, John Bissell, and Solomon Coit, or any three of them, are directed and impowred to appoint time and place, and give sufficient warning to the rest of the memorialists for their first meeting. And they being so assembled, or thirty of them at least, by themselves or their attourneys, the said Thomas Seymour, John Curtiss, John Bissell and Solomon Coit, or any three of them, are impowred to lead the said society to votes to choose their aforementioned officers, and to form themselves; and being thus formed shall afterwards proceed as is above in this act provided and directed. Provided nevertheless, nothing herein is to be understood or construed to give or grant any liberty to said society, or any of them, to contradict any act of trade, but it is hereby declared that they are to be exactly conformable to all acts of trade and navigation, and observe the same from time to time. And it is further provided, that if any person or persons, abovementioned, neglect or refuse to put into the stock aforesaid, after reasonable time and notice given, that they shall be deemed not to be of said society; and the rest of the memorialists shall be deemed a society as aforesaid, exclusive of the said person or persons so neglecting or refusing, anything above to the contrary notwithstanding.

Upon the memorial of Ebenezer West and Joseph Fowler, agents for the town of Lebanon, shewing to this Assembly that the inhabitants of said town are much aggrieved with the proceedings of the county court holden at Windham on the 22d day of June, A. D. 1731, in their appointing a jury to lay a highway from Windham to Norwich across the northeast corner of said town of Lebanon; and with the apprizement of the jury made of lands belonging to Mr. Johnson, Mr. Badcock and Mr. Downer; and alledging that Windham and Norwich do butt a considerable way on one another, and that it is most just and right that those towns find a way from one to the other, (viz.) Norwich and Windham, without coming across the town of Lebanon; intimating that a way may so be had; also shewing that the county courts of Windham and Newlondon can neither of them inspect the matter thrô, because the ways, or places proposed for ways, be not in one and the same county, as per their memorial on file may at large appear; praying to this Assembly for relief:

Whereupon it is resolved, That Messrs. Joseph Pitkin, Nathaniel Burnham and Henry Wolcott, be a committee to repair

to Lebanon, at the cost of the inhabitants of that town, and to view the places proposed for highways, both that laid out by the jury and that proposed by the memorialists; and if that, or any other way, be more equitable and right to have a highway in than that the jury have laid out for a way from Norwich to Windham, then the said committee lay out the same; and in case they can't agree with those persons on whose lands the same may be laid, and there be no sufficient savings in the grants for such highways, then to make report of their doings to the county court at Newlondon then next, who are hereby directed to appoint a jury to apprize the damages and to return the same to them, which cost and damages shall be paid as is already provided for the paying the cost and damages for laying out highways by the laws of this government. And if the said committee shall adjudge that the same must and ought to be laid out where the jury have laid the way aforesaid, then, in such case, the said committee shall make report thereof to the county court to be holden at Windham in June next, and they are hereby ordered to appoint a jury anew to apprize the damages; and the said committee are [91] || hereby directed to hear and consider, whether it be most right that the said town of Lebanon, the proprietors of the lands, or some others, should pay the cost of the said highway, and to make report of their opinion thereon to this Assembly in October next. Always provided, that the said inhabitants of Lebanon first pay the cost of the jury and sheriff, in laying out the way aforesaid, to the sheriff, before the said committee act in the affair aforesaid; and upon the paying the same, the county court of Windham are hereby directed to stay the *scire facias* ordered against the selectmen of Lebanon.

Upon the memorial of Hezekiah Newcomb and Jonathan Clark, agents for the first society in Lebanon, shewing that the said society, for the putting an end to a contention that had happened there, and that the meeting house lately set up in said society might be finished with the joynt assistance of the whole society aforesaid, and peace continued amongst them; and at the desire of the northern part of the said society, at a society meeting holden at Lebanon January the 4th day, A. D. 173½, the said society by their free vote declared (that, if the General Assembly would allow thereof,) there should be a distinct society set off at the northern end of the said first society, and the line to divide said new society should be as followeth: beginning at the northwest corner of Jonathan Curtiss's home lot, and from thence a straight line to

Goves's barn, and from thence a straight line to Goshen parish, and from the said corner of Curtiss's lot to William Allyn, jun^r, his dwelling house, and from thence by the road to Windham line; provided the inhabitants living northward of the said dividing line do continue six years from the date of said meeting a part of the first society aforesaid, and pay all parish charges with them during that term, and that they go off (with the liberty of the said Assembly) within twelve years next coming after the expiration of the said six years, that then the inhabitants living northward of the said line should have paid back to them, by the inhabitants living in said society southward of said line, all such sum and sums of money that the said inhabitants living on the north side of said line have paid or shall pay towards the setting up and finishing said meeting house; thereupon praying that by an act of this Assembly the said inhabitants may be obliged thereunto:

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if the inhabitants of said society, and living on the northern side of the above described line, shall and do continue during the said term of six years with the said first society, and pay all parish charges there, and be by this Assembly set off to be a distinct society, (which this Assembly will be likely to do if the said inhabitants be of sufficient ability,) any time within the said twelve years, that then the inhabitants living on the south side of said line shall, by a tax to be levied upon the polls and rateable estate within their own limits, pay back to the inhabitants living on the north side of said line all such sum and sums of money, paid for the building the meeting house aforesaid, which money shall be improved by the said inhabitants on the north side of the said line towards the building a meeting house convenient for said inhabitants.

And to the end that said inhabitants living on the north side of said line may have the said money paid back to them as aforesaid, by the said first society:

Be it further enacted, That the ratemakers chosen, or to be chosen, by said first society, to make their parish rates, shall [92] make and affix the said || parish rates that shall be granted to build the said meeting house distinct in their rate book, (viz.) the inhabitants living on the south side of said line by themselves, and the rates of the inhabitants living on the north side of said line by themselves, and the sum total of all the taxes or rates granted in said parish and levied upon the inhabitants living on the said north side, for the end

aforesaid, shall yearly be recorded in the records of said first society.

Upon the memorial of William Dudley and Ambrose Whittlesey, ferrymen at Saybrook, representing to this Assembly the great charges they are at in maintaining a wharf, &c., for the convenience and safe passage of travellers over said ferry, and the difficulty in tending the same, &c., and praying that this Assembly would exempt said ferrymen from transporting the publick officers of this government at their own costs, &c., or to advance the fare of the same: Resolved and enacted by this Assembly, that the fare of the said ferry for the future shall be, in the months of December, January and February, for man, horse and load, thirteen pence money, and in the other months in the year the fare of said ferry shall be nine pence money for man, horse and load; which fares stated as aforesaid said ferryman may demand, receive and take, any law, usage or custom to the contrary notwithstanding.

Upon the memorial of David Hubbard, in the behalf of the second society in Glassenbury in Hartford county, shewing to this Assembly, that at a meeting in said society on the 25th of October, 1731, regularly warned, more than two thirds voted that it was necessary to build a meeting house; also at a meeting May 4th, 1732, legally warned, agreed that the place for the setting said house should be near a certain rock near a pond, called Little Nipsick, or within a few rods; praying this Assembly, either that said place may be confirmed and the said house to be built thereon, or that they would send a committee to view the circumstances of said place: Resolved by this Assembly, that Mr. Joseph Pitkin, Capt. John Marsh and Mr. Henry Woolcott, be a committee to repair to Glassenbury, to view, consider, and report to this Assembly, at their sessions in October next, the most convenient place for setting of said meeting house.

This Assembly observing (by the several memorials preferred to this Assembly by the several inhabitants of the town of Symsbury) that the several acts passed by this Assembly for the promoting of peace and reconciliation of the people in said town, (in relation to their regular attending the publick worship of God, and support of the gospel amongst them,) have not had the desired success of quieting the minds of that people and settling them in peace: Now, for promoting the peace, religion and good order, of the several inhabitants of the said town, Resolved by this Assembly, that the place for publick worship in said town shall be the old meeting house in said town, and that all the inhabitants of said town shall duly

resort to said meeting house and attend publick worship there at all proper seasons, for the space of three years now next coming, and until this Assembly shall order otherwise; saving to several of the said inhabitants the ease and privileges hereafter in this act mentioned, (viz:) The inhabitants dwelling at the farms called Turkey Hills, in said town, shall have liberty to procure and maintain the preaching of the gospel amongst themselves six months in each year, beginning with [93] the month || of November and terminating with the month of April; and for such time as they shall so maintain preaching amongst themselves, they shall be freed from taxes for the support of the gospel in the other part of said town. And, considering the difficulty of passing the river in said town in the winter season, the inhabitants dwelling on the east side of said river, (so many of them as shall see cause,) shall have liberty to procure and maintain the preaching of the gospel amongst themselves for the space of four months in each year, beginning with the month of December and terminating with the month of March; and for so much time as they shall so maintain preaching amongst themselves, they shall be freed from taxes for the support of the gospel in the other part of said town.

And whereas the Reverend Mr. Timothy Woodbridge hath shewn to this Assembly that, althô he hath continued in his work of the ministry in said town, and is the only gospel minister of said town, yet the said town, for the space of one year and seven months now last past, have neglected to grant any rate on the inhabitants of said town for raising the salary formerly granted by said town to be paid yearly to said Mr. Woodbridge; and that there is justly due to him, for his service the said year and seven months, (from said town,) the value and sum of one hundred and fifty eight pounds six shillings and eight pence in bills of credit: This Assembly do, therefore, hereby order and enact, that said town of Symsbury shall, within twenty days after the end of the sessions of this Court, at their publick town meeting, grant a tax or rate on all the polls and rateable estate in said town, sufficient for raising the said sum of £158 6*s*. 8*d*., and choose and appoint a suitable collector or collectors to collect the same, and pay and deliver the said sum of £158 6*s*. 8*d*. to said Mr. Woodbridge on or before the first day of October next. And in case the said town shall neglect to grant such rate, or choose such collector, the Secretary of this Colony shall grant out execution, directed to the sheriff of the county of Hartford or his deputy, to levy the said sum of £158 6*s*. 8*d*., out of the estates of any of the inhabitants of said Symsbury, by distress and

sale of their goods. Or, if said town shall grant such rate and choose such collector or collectors, and such collector or collectors shall neglect to gather and collect such rate, or pay the said sum to said Mr. Woodbridge, then the said Secretary shall grant out execution as aforesaid, to levy the said sum out of the estate of said collector or collectors, and pay and deliver the same to said Mr. Woodbridge.

And whereas sundry of the inhabitants of said Symsbury have moved to this Assembly that they may have liberty to repair and fit the old meeting house in said town for the entertainment and accommodation of the inhabitants of said town at their publick worship: This Assembly orders, that so many of said inhabitants as shall see cause, at their own cost and charge, by way of subscription or contribution, shall have free liberty to repair, add to, or fit said meeting house for the comfortable entertainment of the people at their publick worship.

Mr. Jonathan Burnham, surveyour for the county of Hartford, moving this Assembly that he may be dismist from said office: This Assembly do dismiss the said Jonathan Burnham from the office of surveyour in said county, and this Assembly do appoint Capt. Thomas Wells and Mr. Roger Newbury to be Surveyours in and for the county of Hartford, for the future.

[94] Upon the petition of sundry persons in the parish of Newington, respecting a highway for their more convenient attending on the publick worship in that society, &c.: Enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, that a highway be laid out in the township of Weathersfield, beginning at a highway northward from Ebenezer Smith's dwelling house, and running southerly near a saw mill, and near the same point on the bank of a brook easterly of said brook, across one Francis's land to the highway in Weathersfield; and also a highway to be laid out in Weathersfield bounds, beginning at a highway laid out already in Farmingtown bounds to Weathersfield at the corner of David Curtiss's land near to his dwelling house, and running east between Capt. Chester's and Jonathan Wright's lots to the highway called the Ten Rod Highway in Weathersfield, and that said highway be laid out according to the direction of the law, by a jury to be appointed by the county court in the county of Hartford.

Upon the memorial of Hezekiah Wyllys, Esq^{r}, shewing to this Assembly, that this Assembly May 14th, 1668, granted to Samuel Wyllys, Esq^{r}, a hundred acres of land adjoyning to

a certain pond formerly granted to Robert Boltwood and by said Boltwood sold to the said Samuel Wyllys, lying about five or six miles eastward of Connecticutt river, &c.; praying this Assembly that the same may be laid out to him, &c.: Granted by this Assembly, that the surveyour of the county of Hartford survey and lay out to the said Hezekiah Wyllys the aforesaid hundred acres of land adjoyning to the pond abovementioned.

Upon the memorial of the inhabitants of the town of Glassenbury, praying this Assembly to allow them another jury to assess the damages done to Joseph Smith in said Glassenbury by a highway being laid out on his land: Resolved, that the said inhabitants paying all former costs, and applying themselves to the adjourned county court to be holden at Hartford on the first Tuesday of June next, the said court is directed to order another jury to assess said damages, at the cost of said inhabitants; and the verdict of said jury returned to said court, and recorded, shall finally determine the value of said damages.

Upon the report of Messrs. Ebenezer West, John Riggs and Isaac Dickerman, respecting the placing the meeting house in the society of Kensington: This Assembly do order and appoint, that the meeting house in said society shall be erected in Deacon Thomas Hart's home lot, on the north side of the highway but adjoyning thereto, to stand about one rod south of an apple tree which is partly dead, at which place the said West, &c. have pitched down a stake. And the inhabitants of said society are hereby directed and ordered, with all convenient speed, to proceed to raise and finish the said house at the above described place.

Whereas this Assembly in May last granted unto Joseph Keeler, Ebenezer Smith, Daniel Olmstead, and the rest of the proprietors of Ridgefield in the county of Fairfield, a certain tract of land bounded south by said Ridgefield, east by Danbury, north by New Fairfield, west by the Colony line, which tract of land this Assembly do now annex to the town of Ridgefield, and to be taken and accounted a part thereof.

Resolved by this Assembly, That the oath to be administred to the clerks of the owners of the sheep shall be the oath provided in the law-book for clerks of trainbands, gaugers, &c. *mutatis mutandis*.

[95] An Act for Altering the Time of the Sitting of the Superiour Court in the Month of March in the County of Hartford and in the County of New London.

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the superiour court shall hereafter be holden at Hartford on the fourth Tuesday in March, and at Newlondon on the second Tuesday of March, annually; any law, usage or custom to the contrary notwithstanding.

Upon the petition of Oliver Geer of Groton, &c., *vs.* Jonathan Geer of Preston, &c., the question was put, whether the prayer thereof should be granted: Resolved by this Assembly in the negative.

Upon the petition of Thomas Spencer *vs.* David Smith, &c., the question was put, whether the pleas offered in abatement thereof are sufficient: Resolved by this Assembly in the affirmative.

This Assembly do establish and confirm Mr. Thomas Curtiss to be Captain of the company or trainband at the parish of Kensington in Farmingtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Cowles to be Lieutenant of the company or trainband at the parish of Kensington in Farmingtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. George Hubbard to be Lieutenant of the company or trainband at the parish of Kensington in Midletown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Hart to be Ensign of the company or trainband at the parish of Kensington in Midletown, and order that he be commissioned accordingly.

Upon the memorial of Samuel Mather, captain of the second company or trainband in the town of Windsor, moving that, since this Assembly have seen reason not to commissionate William Thrall, whom the said company had chosen to be their captain, they would provide some suitable person to be captain over said company, in such way and manner as this Assembly should think best, that he may be dismissed from said office: This Assembly do desire his Honour the Governour to order the said Captain Mather to lead his company to the choice of a captain, and strictly to direct said company not to choose the said William Thrall for their captain.

This Assembly grants to his Honour the Governour the sum of three hundred pounds in bills of credit, for his salary the current year, to be paid out of the publick treasury.

This Assembly grants to his Honour the Deputy Governour the sum of one hundred pounds in bills of credit, for his salary the current year, to be paid out of the publick treasury, the one half at this time, and the other half in October next.

This Assembly grants our Agent, Francis Wilks, Esq^{r}, the sum of one hundred pounds in bills of credit, for his salary the current year.

This Assembly grants Mr. Timothy Green, printer, the sum of twenty five pounds out of the publick treasury, for his half years salary.

Cost allowed by this Assembly to William Barden of Lyme *vs.* William Waller of Lyme £1 2*s.* 10*d.* to answer the petition of said Waller withdrawn. *Ex. granted Febr'y* 21*st*, 173$\frac{2}{3}$.

[96] *Resolved by this Assembly*, That there be allowed and paid to the judges of the superiour court the sum of fifteen shillings *per diem* for every day they are on the circuit, in lieu of any former allowance; and to the chief judge twenty pounds more yearly.

And it is further resolved, That the fees paid to said court shall be twenty shillings for the tryal of every action, which shall go towards the payment of the judges salary, and what that falls short shall be paid out of the publick treasury.

And it is further resolved, That the fees for the jury in the superiour court, for the future, shall be twenty four shillings money for every action by them tryed.

Whereas there is in the hands of Mr. John Whiting, Treasurer of this Colony, the sum of two thousand eight hundred and seven pounds fifteen shillings and eleven pence half penny, in good bills, fit for further service, which was brought in by the rate granted October, 1729, and are lodged in the treasury for the further disposal of this Assembly,

It is enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Treasurer shall be, and he is hereby, authorized and impowred to issue out and deliver the aforesaid sum of two thousand eight hundred and seven pounds fifteen shillings and eleven pence half penny, towards the payment of the debts and the necessary charges of this Colony, according to such orders as shall be given him from time to time, according to law.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and it is hereby enacted by the authority of the same, That the cost and charges of repairing the State House at Hartford be paid in proportion following, (viz:) two third parts of said costs and charge out of the publick treasury of this Colony, and one third part out of the treasury of the county of Hartford; and that a committee, appointed by this Assembly from time to time as there shall be need, are to take care that the said house be sufficiently repaired, or make such addition to the roof as shall be thought needful, for the securing said house from the weather, and to lay the account of the charge before the Assembly, as also before the county court of the county of Hartford, that so orders may be respectively given as well for the payment of that part belonging to the Colony as that belonging to the county; and Capt. John Marsh and Mr. James Church are appointed a committee to oversee and repair said house, and make such addition to the roof as may be judged necessary.

This Assembly do establish and confirm Mr. Daniel Griswould to be Lieutenant of the west company or trainband in the town of Killingsworth, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Josiah Buel to be Ensign of the west company or trainband in the town of Killingsworth, and order that he be commissioned accordingly.

Upon the memorial of Hez. Wyllys, moving to this Assembly that he may have liberty to draw out (the sum of £1000 in bills of credit) of the Colony treasury, &c.: Granted by this Assembly, that the said Hez. Wyllys have the money prayed for, according to the act of Assembly made in May last, giving security to the committee as therein expressed; and that the time for payment be four years from the tenth of June next.

Upon consideration of the memorial of Mr. Samuel Morris, attourney for Joseph Thompson of London, Esq^{r}, the question was put, whether anything shall be granted on said memorial: Resolved by this Assembly in the negative.

The consideration of the memorial of Rip Van Dam, Esq^{r}, &c., referred to this Assembly in October next.

[97] Upon the petition of Edward Hutchinson, Esq^{r}, and Mary Wolcott, the question was put, whether the same should be continued till the sessions of this Assembly in October next, and that the memorialists notify some of the principal

proprietors and inhabitants of the town of Ashford that claim the land referred to, and of the tract of land called Union, concerning the same: Resolved by this Assembly in the affirmative.

This Assembly do appoint Mathew Allyn, Roger Wolcott, John Hooker, Nathaniel Stanly, Ozias Pitkin, Esq^rs, Capt. William Pitkin, Capt. John Marsh, Mr. Nathaniel Burnham, Capt. Samuel Mather, Capt. John Chester, Capt. Henry Allyn, Mr. John Hart, and Capt. Thos. Wells, to attend his Honour the Governour, to hear the records of the sessions of this Assembly read off, and to see them perfected and signed by the Secretary as perfect and compleat.

The whole record of the sessions, acts, grants and orders, of this Assembly, as they stand entered in the pages of this book next preceding, was read in the presence of the committee abovenamed, and by them ordered to be signed by the Secretary as perfect and compleat.

HEZ: WYLLYS, Secret^ry.

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[98] *CONNECTICUTT COLONY.*

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN (ON THURSDAY THE 12TH DAY OF OCTOBER) IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUTT IN NEW ENGLAND IN AMERICA, ANNO REGNI REGIS GEORGII, MAGNÆ BRITANNIÆ, &c. 2^di, 6^to, ANNOQUE DOM. 1732.

Present:

The Honourable Joseph Talcott, Esq^r, Governour.
The Honourable Jonathan Law, Esq^r, Deputy Governour.

Samuel Eells, Esq^r,	Joseph Whiting, Esq^r,	*Assistants.*
Roger Wolcott, Esq^r,	Timothy Pierce, Esq^r,	
James Wadsworth, Esq^r,	John Burr, Esq^r,	
John Hooker, Esq^r,	Samuel Lynde, Esq^r,	
Nath^ll Stanly, Esq^r,	Edmund Lewiss, Esq.,	

Representatives or Deputies that were returned to attend at this Assembly are as followeth, (viz:)

Mr. William Pitkin, Mr. John Marsh, for Hartford.
Mr. Solomon Coit, Mr. Daniel Coit, for New London.
Mr. Richard Abbee, Mr. Jabez Huntington, for Windham.
Coll. David Goodrich, Mr. John Chester, for Weathersfield.
Mr. Roger Newton, Mr. Nathan Baldwin, for Milford.

Mr. Jabez Huntington,* Mr. John Edgerton, for Norwich.
Mr. Jacob Johnson, Mr. Benj[a] Hall, for Wallingford.
Mr. Hez[h] Gaylord, Mr. Samuel Palmer, for Hebron.
Mr. Jeremiah Fitch, Mr. Peter Buell, for Coventry.
Major John Sabin, Mr. Jonathan Dresser, for Pomfrett.
Mr. James Packer, Mr. Humphrey Avery, for Groton.
Mr. John Riggs, Mr. Gideon Johnson, for Derby.
Mr. John Russell, Mr. Jonathan Rose, for Branford.
Mr. Joseph Minor, Mr. William Preston, for Woodbury.
Mr. Henry Crane, Mr Moses Parsons, for Durham.
Mr. Isaac Dickerman, Mr. Isaac Johnson, for Newhaven.
Mr. Ebenezer Silliman, Mr. Andrew Burr, for Fairfield.
Mr. Henry Wolcott, Mr. Henry Allyn, for Windsor.
Mr. Samuel Hill, Mr. Benj[a] Hand, for Guilford.
Mr. Giles Hall, Mr. Thomas Allen, for Midletown.
Mr. Abell Birdseye, Mr. John Thompson, for Stratford.
Mr. Daniel Palmer, Mr. Theophilus Baldwin, for Stonington.
Mr. Josiah Hart, Mr. Anthony Judd, for Farmingtown.
Mr. Jonathan Hoit, Mr. John Bell, for Stanford.
Mr. Joseph Phelps, Mr. Samuel Griswould, for Symsbury.
Capt. Joseph Platt, Mr. James Lockwood, for Norwalk.
Mr. Joseph Witter, Mr. John Cooke, for Preston.
Mr. James Reignolds, Mr. Nath[l] Hustead, for Greenwich.
Mr. Thomas Wells, Mr. David Hubbard, for Glassenbury.
Mr. John Grigory, Mr. James Beebee, for Danbury.
[99] Mr. Ebenezer West, Mr. William Throop, for Lebanon.
Mr. John Bulkley, for Colchester.
Mr. John Fitch, Mr. Edward Ransford, for Canterbury.
Mr. Stephen Noble, Mr. John Bostwick, for New Milford.
Mr. John Perrey, Mr. Philip Eastman, for Ashford.
Mr. Experience Porter, Mr. Josiah Conant, for Mansfield.
Mr. John Lane, Mr. John Stephens, for Killingsworth.
Mr. Caleb Cone, for West Haddam.
Mr. Joseph Lewiss, Mr. Stephen Hopkins, for Waterbury.
Mr. Richard Lord, Mr. Stephen Lee, for Lyme.
Mr. John Creerey, Mr. Ephraim Kingsbury, for Plainfield.

Mr. William Pitkin, Speaker, } of the House of Represent-
Mr. John Russell, Clerk, } atives.

This Assembly being informed that Mr. Secretary Wyllys is so indisposed that he cannot attend the business of this Court: Whereupon this Assembly do appoint George Wyllys, of Hartford, to be Secretary during the present sessions of this Assembly, and to make entry of all votes and acts of this

* So in the record, but Jabez Hide in the roll prefixed to the Journal of the Lower House.

Assembly proper for the Secretary, and grant out copies when needful, and also to sign and seal commissions allowed by this Assembly; and at the end of this session to return the books and files that are bro't to this place to Hartford, and into the Secretary's office from whence they were taken; and that his Honour the Governour administer the oath to him accordingly. And the oath was accordingly administred to him, &c.

This Assembly do establish and confirm Mr. John Bacon, junr, of Midletown, to be Lieutenant of the first company or trainband in the town of Midletown aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Pratt of Saybrook to be Captain of the company or trainband at the parish of Pottapaug, in Saybrook aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Parker of Saybrook, to be Lieutenant of the company or trainband at the parish of Pottapaug in Saybrook aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Holmes of Haddam to be Captain of the company or trainband at the east society in Haddam aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Mathew Smith of Haddam to be Lieutenant of the company or trainband at the east society in Haddam aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Hall of Wallingford to be Lieutenant of the company or trainband at the parish of New Cheshire, in the town of Wallingford aforesaid, and order that he be commissioned accordingly.

[100] This Assembly do establish and confirm Mr. Benjamin Hitchcock of Wallingford, to be Ensign of the company or trainband at the parish of New Cheshire, in Wallingford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Fisk of Haddam to be Lieutenant of the first company or trainband in West Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Arnold, junr, of Haddam, to be Ensign of the first company or trainband in West Haddam, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Abiell Marshall of Norwich, to be Cornet of the Troop in the town of Norwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Rockwell to be Quarter-Master of the Troop in the town of Norwich, and order that he be commissioned accordingly.

An Act to prevent Damage being done in Common Fields and Particular Inclosures by Horses being suffered to go at Large on the Commons.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all horsekind which being suffered to go at large on the commons do break into any common field, or particular inclosures, and are there found doing damage, and are from thence impounded, the owner of such horse or horsekind shall pay, for the poundage thereof, one shilling per head, whereof two pence shall be to the keeper of the pound, and all damages, notwithstanding the insufficiency of the fence. And in case the owner of such horse or horsekind cannot be known within the space of twenty four hours after the impounding the same, such horse or horsekind shall be liable to be proceeded with as strays, according to the act of this Assembly in May last.

And it is further provided, That upon the replevin of any such horse or horse kind, or any other dispute in the law arising on any such matter as aforesaid, when the impounder has, under his oath, declared the place from whence he made the distress, that unless the owner of the horse or horses can shew, to the satisfaction of the court or justice before whom the tryal is, that the horse or horses were not suffered to go at large in the commons, and did enter into the same thrô [the] insufficiency of some other part of the fence not adjoyning to the commons.

This Assembly grants a rate of two pence on the pound on all the polls and rateable estate in this government, to be paid into the publick treasury in the bills of credit of this Colony with the usual advance of twelve pence on the pound; or in true bills of credit of four signers of the Massachusetts Bay, or in true bills of credit of New York, without advance on them, or in silver money as it passeth in the country.

[101] Whereas this Assembly, at their sessions in May last, upon the memorial of George Dibble, Ebenezer Smith, Samuel Smith, and others of the inhabitants of Stanford and Horseneck, appointed Edmund Lewiss, Esq^{r}, Capt. Joseph Platt and Mr. Andrew Burr, a committee to view the circum-

stances of the people living in said Stanford and Horseneck within these abuttments, (viz:) To begin at the eight mile line, or division line between the Colony of Connecticutt and Province of New York, at the partition line between Stanford and Horseneck, and so to run eastwardly by said eight mile line three miles, and westwardly by said line one mile and an half, to run southwardly by said partition line between Stanford and Horseneck four miles, and thence a parallel line with said eight mile line three miles into Horseneck, and one mile and an half into Stanford, with relation to their being a parish: And whereas the said committee now made report to this Assembly, that they had repaired to said place and viewed the circumstances thereof, and were of opinion that a parish might there be conveniently had: This Assembly do therefore grant unto the said inhabitants, living within the bounds aforesaid, all parish powers and privileges that other parishes in this Colony are by law endowed with; and that the parish be called and known by the name of Standwich.

On the petition of the committee of the third society in Windham, praying for a committee to state the place in said society for their building a meeting house on: This Assembly do appoint Messrs. Ebenezer West, John Woodward and Joseph Strong, a committee to repair to the third society in Windham, view, consider, and report to the Assembly in May next, the place they judge most proper for the said society to build their meeting house on, at the charge of the society.

Whereas the inhabitants of the parish of Kensington applied themselves, by their committee, to this Assembly at their sessions in May last, praying that a committee might be appointed to fix a place for setting a meeting house in said parish: And whereas the said Assembly did then appoint Capt. John Riggs, Capt. Isaac Dickerman and Mr. Ebenezer West, to repair to said parish, view their circumstances, and fix the place for building a meeting house, &c.: And whereas said committee reported to the said Assembly, that they, in pursuance of the trust reposed in them, had affixed the place for building a meeting house in said parish, and the Assembly thereupon enacted that a meeting house in said parish or society shall be erected in Deacon Thomas Hart's home lot, on the north side of the highway, but adjoyning thereto, to stand about one rod south of an apple tree which is partly dead, at which place the said West, &c., have pitched down a stake, and the inhabitants of said society are hereby directed and ordered, with all convenient speed, to proceed to raise and finish the said house, at the above described place: And

whereas it has been certified to this Court by Mr. Thomas Hart, clerk of said society, that at a meeting of the inhabitants of said society on the 14th day of June last past, it was resolved by their vote that they would not appoint suitable and meet persons to be a committee to set up, build and finish, a [102] house proper and suitable || for said society to attend God's publick worship in on the place the General Assembly hath lately appointed for the same:

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the Treasurer of this Colony shall, in his warrant for gathering the next country rate, direct and command the constable of the town of Farmingtown to collect with the same of the inhabitants of the society of Kensington, nine pence upon the pound of the polls and rateable estate of said society. And the said constable is hereby ordered, directed and impowred, to assess and gather the same of said inhabitants of said society, and the same, being so gathered, shall deliver to the Treasurer, who is hereby ordered and directed, upon the receipt thereof, to pay out the same to Capt. John Marsh, Capt. Thomas Seymour and Mr. James Church, all of Hartford, who are hereby appointed and impowred to be a committee, or any two of them, to erect and finish a meeting house at the place aforesaid, for the society aforesaid. And said committee are hereby also ordered and directed, to make all convenient speed in the business aforesaid, and give an account to the Assembly of their disbursements of the money aforesaid, and how far they have proceeded therewithal in the business aforesaid, that this Assembly may order what money may be further necessary for the finishing said house to be gathered of the inhabitants of said society, and to be by said committee improved for that end.

A List of the Rateable Estate of the respective Towns in this Corporation.

	£	s.	d.		£	s.	d.
Hartford,	29286	9	2	New Haven,	37769	12	11½
Fairfield,	33308	0	10	Windham,	14434	16	9
New London,	21420	0	0	Guilford,	21668	6	7
Middletown,	24186	6	0	Mansfield,	6886	18	6
Colchester,	13570	16	0	Windsor,	24612	2	0
Haddam West,	7020	4	7	Branford,	16454	2	6
Glassenbury,	8307	0	9	Saybrook,	13556	19	4
Weathersfield,	22562	13	9	Hebron,	7751	14	0
Durham,	7860	2	0	Stoningtown,	21973	3	4
Groton,	14689	16	0	Plainfield,	7866	8	3
Coventry,	7198	14	9	Greenwich,	12794	10	0

Wallingford,	23346	3	10	Preston,	12774	8	6
Farmingtown,	20365	8	9	Derby,	6666	8	6
Norwalk,	20962	6	0	Norwich,	29249	17	4
Pomfrett,	8310	12	0	Milford,	23839	5	7
Lebanon,	19963	4	4	Lyme,	15014	14	5
Waterbury,	6742	0	0	Symsbury,	10523	2	0
Killingly,	8533	10	2	Stanford,	18682	18	7
Stratford,	28901	17	1	Killingsworth,	8126	12	3
Danbury,	8905	10	0	East Haddam,	10824	7	0
New Milford,	4911	17	3	Canterbury,	8301	6	6
Ashford,	4609	9	0	Woodbury,	9797	9	0

This Assembly do establish and confirm Mr. Henry Champion of Lyme to be Ensign of the south company or trainband in the town of Lyme aforesaid, and order that he be commissioned accordingly.

[103] October 19th, 1732. This Assembly do order and direct the Treasurer, Mr. John Whiting, to attend this Assembly on Monday next, and bring with him the sum of five hundred pounds of the exchange bills, and what other moneys are in his hands, to defray the charges of this Assembly.

The Gentlemen nominated to stand for Election in May next, as sent in by the Freemen from the several Towns in this Government, are as followeth, (viz:)

The Honourable Joseph Talcott, Esq^{r}, the Honourable Jonathan Law, Esq^{r}, Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Roger Wolcott, Esq^{r}, James Wadsworth, Esq^{r}, John Hooker, Esq^{r}, Nathaniel Stanly, Esq^{r}, Joseph Whiting, Esq^{r}, Ozias Pitkin, Esq^{r}, Timothy Pierce, Esq^{r}, John Burr, Esq^{r}, Samuel Lynde, Esq^{r}, Edmund Lewiss, Esq^{r}, Mr. Thomas Fitch, Mr. William Pitkin, Mr. Roger Newton, Mr. Ebenezer West, Mr. Richard Christophers, and Mr. Samuel Mather.

An Act in Addition to and Explanation of an Act entituled An Act for the Regulation of Fence for Common Fields or other Inclosures, made in the twelfth Year of the Reign of our late Sovereign Queen Anne.*

Whereas in said act it is provided that where a man first fences and improves a piece of land in severalty, and any person or persons shall afterwards improve the lands adjoyning, by particular inclosure, shall be obliged to purchase and maintain one half of the dividing fence between them: but no provision is made in said act, where there is a fence made between proprietors of adjoyning lands and no legal division hath been made thereof, how such a division shall be attained,

* Volume V., 403.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That where proprietors of adjoyning lands have or want a dividend fence between them, and one of the persons so adjoyning cannot be prevailed withal to agree with his said neighbour to make a legal division thereof, it shall be in the power of the person or persons aggrieved, to call out three of the selectmen of the town where such lands lye, that are uninterested, who shall divide and set out to each and every person or persons his or their part of the said dividend fence, in equal proportion; always having regard to that part of the said fence, (if one part be better than the other part thereof,) to set the said better part thereof to him who made the same, or derived his title from him who did erect it; and the charge thereof shall be paid by him or them that wilfully refused to make such division; and a copy of said charges, under the hands of the said selectmen, shall be a sufficient evidence in the law to recover said charge; and that all divisions of such fence made as aforesaid, and recorded in the records of the town where such divisions are made, shall be as effectual in the law as if it were written under the hands of the parties.

An Act for the obliging Scavengers of Dreins and Sewers to take the Oath and perform the Service belonging to their Office.

Whereas by an act made and passed in this Assembly on the 10th day of October in the second year of his Majesties reign, intituled An Act for the more effectual keeping open ditches and dreins that have been made or shall hereafter be made by commissioners of sewers, it is provided that the proprietors of such wet lands may choose two or more persons [104] among themselves || to be scavengers, for the clearing up and keeping in repair such dreins and sewers, and the scavengers so chosen shall take the oath provided for fence viewers, *mutatis mutandis:* but no penalty is laid in said act on such as shall refuse the said oath and undertake said service,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That scavengers shall be chosen and appointed once in two years; and if any person or persons lawfully chosen to said office of scavenger shall refuse or neglect to take such oath, being required thereunto by a citation from some assistant or justice of the peace, such person or persons shall, each of them, pay a fine of forty shillings current money, to the proprietors of such wet lands, to be delivered to their committee for the use of the proprietors: the same to be levied

by a warrant from some assistant or justice of the peace. And the proprietors of such wet lands shall proceed to choose other person or persons scavengers, in the room of such as have refused as aforesaid.

Whereas Samuel Welch of Voluntown petitioning this Assembly for a tract of land lying in the mile of land between the bounds of Killingly and Voluntown: This Assembly grants to the said Samuel Welch and his heirs forever, one hundred and ninety five acres of the ungranted lands of this Colony lying in said mile of land, lying at the north end of the land added to Voluntown and the south end of Killingly; which abutts west on Plainfield, and east on the Colony line, as appears by a survey under the hand of the surveyour for the county of Windham. Always provided he, the said Welch, do pay to Nathaniel Stanly, Esq^r, of Hartford, the sum of twenty pounds money, for the use of this Colony, at or before the sessions of this Assembly in May next.

Upon the report of Messrs. John Marsh, Henry Wolcott and Joseph Pitkin, who were in May last appointed to settle the place for the building a meeting house in the second society in Glassenbury, setting forth to this Assembly that they had pitched upon a place for the setting up said house upon the northerly part of a plain in said society, being northeasterly of a pond called Little Nipsick, about ten rods southeasterly of a small pine marked on the southeasterly side with the letter A, to be set on the highest range of the plain, where there is laid a small heap of stones: Resolved by this Assembly, that the meeting house in said society shall be set up at the abovesaid place, pitched upon by said Marsh, &c. And the inhabitants of said society are hereby directed and ordered forthwith to proceed to set up and finish a meeting house at the above described place.

An Act for the Emitting Bills of Credit for the Payment of the publick Debts of this Colony.

Whereas this Assembly being informed from the Treasurer of this Colony, that he hath not a sufficiency of money in his hands to defray the charge of this Assembly,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, [105] That the said Treasurer shall be, and he is hereby, authorized and impowred to issue out and deliver the sum of two thousand and five hundred pounds of the exchange bills now in his hands, towards the payment of the debts and necessary charges of this Colony, according to such orders as shall be given him from time to time, according to law.

And be it further enacted by the authority aforesaid, That as a fund or security for the repayment and drawing in of the said bills into the treasury again, this Assembly grants a tax or rate of two thousand and six hundred pounds, to be levied on the polls and all other rateable estate within this Colony, and to be paid into the treasury at or before the last day of May one thousand seven hundred and thirty seven; which said rate shall be paid in the bills of credit of this Colony, or in money as it passeth generally in the country at the time of payment, and in no other manner.

This Assembly do establish and confirm Mr. Thomas Willmott of New Haven to be Captain of the sixth company or trainband in the town of New Haven aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Alling of New Haven to be Lieutenant of the sixth company or trainband in the town of New Haven aforesaid, and order that he be commissioned accordingly.

To the Honourable the General Assembly sitting at Newhaven October 12th, 1732, Roger Wolcott, Timothy Pierce and William Throop, come and report to this Assembly:

That, according to your instructions to us given at your sessions in May last, we have been at Groton, and have heard the several parties on their controversies about the Mashantuxett Lands, and we find,

1st. That those lands are within the patent to New London, now Groton.

2ly. That some of those lands were improved by the Indians more than sixty years ago.

3ly. That in May, 1714, the Assembly enacted the Indians should not be disturbed in planting and improving said lands.

4ly. That in 1719, the inhabitants of Groton voted to divide their commons, reserving to the Indians lands at Masshantuxett, to live on, plant, and get firewood. In 1720, their committee gave a deed to the Indians of 1737 acres of land, for the Indians to dwell on, cut firewood and plant, reserving the herbage to the proprietors; which is the piece of land about which the controversy is; and it is very rocky and hilly, and considerable part of it fit for pasturing only.

5ly That in 1731, the Assembly forbid any surveys or fences to be made on said lands, or any deeds thereof entered on record.

6ly. The custom of the Indians is, to set upon a piece and improve it till it is worn out, and then begin upon another: by this means they have cleared about two hundred acres, and

two hundred more is partly cleared, and many apple trees belonging to the Indians are standing thereon. The last year the Indians planted fourteen acres.

7ly. The male persons of the Indians, from fourteen years and upwards, are sixty six, most of which live with the English. The proprietors say, that they ought to be allowed to [106] buy, sell and fence, said lands, because the fee || is in them, and without it they cannot take the herbage. The overseers of the Indians say, that if they are allowed so to do, they will soon drive the Indians out of it.

May it please this Honourable Assembly: We are of opinion that the one half of said lands is fully sufficient for the Indians to dwell on and cut firewood, and that if the one half of said lands on the west side was laid out in fifty acre lots, or thereabouts, as the land will suitably accommodate, and the English allowed to fence the same, so as to secure themselves and the corn of the Indians growing on such lots, and their apple trees, and that the proprietors were allowed to clear said lots, only allowing ten acres in every fifty acre lot, and so *pro rato* for greater or lesser lots, a forest for firewood for the Indians, and the Indians allowed to plant in one or more of said lots as it may be needful for them, and be also allowed to remove their planting to other lots once in three years if they desire it, and the other half of the lands remain unsurveyed and unfenced as it doth now, for the Indians to live on, plant, and get firewood, it would very well accommodate the Indians, and be a greater benefit to the proprietors.

October 12th, 1732.

Roger Wolcott,
Timothy Pierce,
William Throop.

The above report is accepted and allowed by this Assembly, and ordered to be recorded; always provided, that the liberty granted in said report to the proprietors, respecting the fencing part of said lands, shall continue no longer than this Assembly shall think proper.

Upon the memorial of the Reverend Mr. Samuel Andrew, Eliphalett Addams, Elisha Williams, &c., Trustees of Yale College: This Assembly do grant and order, that in each of the five new townships lately laid out east of Ousatunnuck river, there shall be laid out, in one entire piece, three hundred acres of land, to be laid out at a distance from the several town platts; which tracts of land, containing in the whole fifteen hundred acres, shall, when laid out, be, by a patent under the seal of this Colony, granted and confirmed to the trustees of said college, to have and to hold to them and their

successors, trustees of the said college, for the only and sole use, benefit and behoof of said school, forever, and to no other use.

Upon the report of Messrs. William Throop, Experience Porter and Joseph Kingsbury, who were in May last appointed to settle the place for building a meeting house in the first society in Canterbury, setting forth to this Assembly that they had pitched upon a place for the setting up said house upon a certain plain piece of land, lying about eight or ten rods west of Mr. William Baker's house, on the north side of the road leading from Canterbury old meeting house to Windham, which is about half a mile west from said old meeting house: Resolved by this Assembly, that the meeting house in said society shall be set up at the abovesaid place, pitched upon by said Throop, &c. And the inhabitants of said society are hereby directed and ordered, forthwith to proceed to set up and finish a meeting house at the above described place.

[107] Upon the memorial of sundry of the inhabitants of Canterbury, Pomfrett and Mortlake, praying this Assembly that the south half of Mortlake may be annexed to the society that contains that part of Pomfrett south of Mortlake, with part of Canterbury: Resolved by this Assembly, that the said south part or half of Mortlake be annexed, and the same is hereby annexed to, and is made part of said society; and all the inhabitants thereof shall enjoy equal privileges in, and bear their equal and proportionable part of all parish charges with the rest of the inhabitants of said society, with respect to the settlement and support of the gospel ministry, building meeting house and the like; and that Joseph Holland and Joseph Davisson of Pomfrett, with their lands and all rateable estate, be to said parish in like manner annexed.

Upon the memorial of Samuel Morriss, shewing to this Assembly that, by reason of the great distance of the place of his habitation from the place of the meeting house in Thompson parish, it is very incommodious for him to attend the publick worship there, and thereupon praying that he may be dismist from paying any parochial charge in Thompson parish: It is considered by this Assembly, that although the habitation of the memorialist is so far distant from the meeting house in Thompson parish as to render his attending the worship there very difficult in the winter part of the year, yet it is not farther than many people live from the place of publick worship in other parishes. It is thereupon resolved by this Assembly, that the memorialist for the future, until this Assembly shall order otherwise, shall pay but one half of his

part of the parochial charge in said parish, according to the lists of his polls and estate.

Upon the petition of Robert Dennisson *vs.* Joseph Otis: This Assembly allows to the petitioner a new tryal of his action at the superiour court to be holden at Newlondon in March next, and that the deed from Owaneco to Messrs. Livingstone, Dennisson, Rogers and Harriss, dated May 10th, 1710, althô it is not made good by any precedent allowance or subsequent approbation of the General Assembly, yet it is allowed to be given in to the jury as evidence explaining the acts of the General Assembly granting part of the lands contained in said deed to the purchasers; and all costs shall follow the final judgment.

Upon the petition of Charles Hazleton, of Newlondon, in the county of Newlondon, *versus* Thomas Spafford, of Lebanon in the county of Windham, complaining of a judgment given at the county court in Windham, held on the fourth Tuesday of June last, against him, for said Spafford, for the sum of five hundred pounds money and costs; and praying for another tryal in said case: Resolved by this Assembly, that the petitioner, Charles Hazleton, shall have another tryal of his said case in the superiour court to be held in Windham in March next, by entering the same by way of appeal in said superiour court; and that only the future costs follow the judgment.

[108] Upon the memorial of Nathaniel Sutlief, Abner Newton, John Coe, Thomas Fairchild, Stephen Smith, William and John Smith, of Haddam West: This Assembly do order, that the said memorialists do annually give in to the listers of Durham a true list of their polls and estates; and that the memorialists, during the pleasure of this Assembly, be discharged from paying any parish taxes in said Haddam; and that they, during such term, pay all parish charges in Durham; and that the officers of that town have full power to demand and collect parish charges of the memorialists accordingly.

Upon the memorial of Benjamin Hall of Cheshire in Wallingford, in behalf of sundry families in said place that have been greatly distressed with the small pox: Resolved, that there shall be paid out of the publick treasury, for the relief of said families, the sum of fifty pounds; which sum shall by the deacons of said Cheshire, with the advice of the minister, viz. Mr. Samuel Hall, of said place, be distributed to and among those that have suffered in said Cheshire with said distemper.

An Act for regulating Fees in the Courts of Probate.

[*Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That the fees in the several courts of probate in this Colony shall be as followeth, viz:]*

For granting administration bond and letter of administration, if the inventory amount to thirty pounds or upwards, to the judge four shillings, to the register three shillings and six pence, - -	0	7	6
If the inventory be under thirty pounds, five shillings, - - - - - - - - - -	0	5	0
Probate of will where the inventory amounts to thirty pounds or upwards, to the judge three shillings and six pence, to the register two shillings and six pence, - - - - - - - -	0	6	0
If under thirty pounds, four shillings, - - -	0	4	0
Recording a will or inventory of one page and filing the same, - - - - - - - - -	0	2	6
If more, each page of twenty-eight lines ten words in a line, one shilling, - - - - - -	0	1	0
For a copy of a will or inventory twelve pence a page, each page to contain as aforesaid, - -	0	1	0
Allowing accounts, settling and dividing of intestate estate, five shillings, - - - - - -	0	5	0
Every citation, one shilling, - - - - - -	0	1	0
Every *quietus*, four shillings, - - - - - -	0	4	0
Making out a commission to receive and examine the claims of creditors to insolvent estates and registering the same, three shillings, - - -	0	3	0
Registring the commissioners report, after the rate of one shilling per page, to be accounted as aforesaid, - - - - - - - - - -	0	1	0
For entring of an order upon the administrator to pay out the estate in proportion unto the several creditors returned by the commissioners, one shilling and six pence, - - - - - - - -	0	1	6

On the memorial of the inhabitants and proprietors of Stafford, praying this Assembly for a land tax in said town: Resolved by this Assembly, that there shall be a tax of five shillings on every hundred acres of land in said town, and so *pro rato*, to be collected of the proprietors thereof, for and during the term of three years next coming; and that the same money, so collected, be improved for the settlement and

* This clause is supplied from the printed acts. It is neither on the record, nor on the original bill, in *Civil Officers, &c.*, II., 501.

support of the gospel ministry there only, by the direction of a committee to be appointed by the town for that purpose.

[109] Whereas the committee appointed by this Assembly in May last to hear the contending parties in Guilford first society, and to report the state of that affair, with their opinion thereupon, to the Assembly at their present sessions, have laid their report before the Assembly accordingly, which report this Assembly do accept, allow of and approve, and do order and appoint, that, at the motion and cost of the minor part of the society in said Guilford, the reverend elders hereafter named, that is to say, Mr. Seth Shove, Mr. Anthony Stoddard, Mr. Jonathan Marsh, Mr. William Russell, Mr. Benjamin Lord, Mr. George Griswould, Mr. Eleazer Williams and Mr. Thomas Clapp, with messengers from their respective churches, or as many of them as shall there assemble and convene, a council to meet at Guilford, to hear, consider and finally determine, a case heretofore moved and laid against forty-six persons in said Guilford, and members of the church in said society, before a council there, and upon which the said council gave sentence against said forty six persons, March 10th, 1731. And it is further resolved, that the minor party in said society shall not be rated or taxed the current year for the settlement or support of the Reverend Mr. Ruggles. And with respect to the rates that have been made by said society on the minor party since the contention, and not yet collected, it is resolved that said rates or arrearages shall be duly collected and paid, according to the votes of said society.

Upon the report of Messrs. James Wadsworth, Esq^{r}, Capt. Thomas Wells and Capt. Isaac Dickerman, a committee appointed by this Assembly in May last to view and report to this Assembly the circumstances of Woodbury, who have reported their opinion: Resolved by this Assembly, that the line to divide the two parishes in said Woodbury shall begin at Nathan Curtice's dwelling house, and proceed westward to Thomas Squire's dwelling house, including both said houses in the north society; and from said Squire's, a west line to New Milford bounds; and from said Curtice's house, an east line to Waterbury bounds, with the addition of Hezekiah Porter and his estate to the south society; provided that the north society will pay to the south society within four years next coming, to be annually paid in four equal payments, the sum of three hundred pounds: but the fifty five pounds ten shillings, subscribed by particular persons when said commit tee were at Woodbury, to be accounted as part; and what th new society hath already collected of any of the inhabitant

living north of said line, being part of the tax they contended about in May last, shall be accounted as part of the said three hundred pounds; and the remainder of said tax, not yet collected, not to be collected. And the said north parish, if they fall in with this proposal, they are to grant the said sum of money, so far as the same is to be levied in said society in general, by their proper vote, and cause the same to be entred in their society records, and give an attested copy thereof to the clerk of the south society within three months from this date. And if the said south society shall not, within five months next coming, by their major vote signify to the ancient society their acceptance of these proposals, and that they will proceed and go forward and be a distinct society, according to the aforesaid line herein proposed, then that the said town be again united into one society and all meet in the old meeting [110] house as formerly, till they shall, by their agreement and || the Assembly's appointment, build a new meeting house, and then to meet there and remain one society till this Assembly order otherwise. And further, that in these proposals the district in Woodbury called Shippaug is wholly discharged from paying any part of the three hundred pounds.

Upon the memorial of William Heacock, John Warner, and others named therein, inhabitants of the town of Waterbury living in the northwest corner of the bounds of said town, praying this Assembly to allow them the liberty for the space of four months, (viz.) the three winter months and the month of March next, and in the said months in so many years next advancing as this Assembly shall think fit, to hire a minister to preach the word of God amongst them, &c., and that they may be discharged from paying their proportion of the minister's rate in said town during said term, &c.: Resolved by this Assembly, that the memorialists shall have liberty to hire a gospel minister to preach the word of God amongst them in the said four months in every year, for the space of four years next coming, and that during the term aforesaid, if that they shall have the word preached amongst them as aforesaid, they shall be freed, and they are hereby discharged, from paying their proportions of the minister's rate in said town.

This Assembly do establish and confirm Mr. Benjamin Benedict to be Captain of the company or trainband in the town of Ridgefield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Benedict to be Lieutenant of the company or trainband in the

town of Ridgefield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Olmstead to be Ensign of the company or trainband in the town of Ridgefield, and order that he be commissioned accordingly.

Upon the memorial of Samuel Cutler, of Killingly in the county of Windham, praying to be freed from his country tax, with other things: Resolved by this Assembly, that the said Cutler be discharged and freed from paying any country tax or rate for the term of ten years next ensuing.

Upon the memorial of Hezekiah Cox: Granted, that the memorialist be freed from his perpetual confinement in the work-house; provided he first pay the cost of his prosecution, and then depart this government and reside no more therein.

Upon the petition, Matthias Hitchcock *vs.* Mathew Bellamey, the question was put, whether anything should be granted thereon: Resolved by this Assembly in the negative. *Cost allow'd respondent is* £1 13s 10d. *Ex. granted February 21st*, 1732–3.

Upon the memorial of John Bulkley and Abigail Woodbridge, in behalf of themselves and the rest of the proprietors of the undivided lands in the town of Colchester: Resolved by this Assembly, that James Wadsworth, Samuel Lynde and Edmund Lewiss, Esq^rs^, be a committee, at the proper cost [111] and charge of the || memorialists, to repair to Colchester, with full power and authority to fix and settle the north or northern bounds of Colchester, if they think the same be not sufficiently stated, or further and plainer to declare and explain the same; and also to consider and fully determine what the memorialists must or ought further to do, (if any thing,) in order to their quietly enjoying the lands in the northerly corner of their grant and patent, which is supposed by the memorialists to extend to Glassenbury; and that what said committee shall do in the premises shall be a final determination thereof.

This Assembly grants to Mr. Timothy Green, printer, twenty-five pounds for his half year's salary; and to Mr. Secretary Wyllys the sum of eight pounds for his salary.

Upon the memorial of the proprietors of the common and undivided land in Midletown, shewing to this Assembly that, by reason of the interfering of the lines of the lots of the New Field Quarter and other adjoyning lands, it was impossible that each of the proprietors should have his allotment in the place where it was originally designed; and that Joseph

Wright had consented and agreed that the said lines should be so run and be confirmed as to make his lot or farm fifty five acres less in that place than otherwise it should be; and that, in consideration thereof, the said proprietors, by their agents Messrs. Izrahiah Wettmore, Giles Hall, George Phillips and Nath[l] Bacon, have given to the said Wright a deed of fifty one acres of land in another place in said Midletown, as appears by a deed of the same executed by said agents, dated November 16th, 1730; whereupon the said memorialists pray this Assembly to ratify and confirm the said land to the said Joseph Wright: Whereupon it is considered and resolved by this Assembly, that the said fifty one acres of land, granted to said Wright by said deed dated November 16th, 1730, shall be and remain to him and his heirs an absolute and indefeazable estate, according to the form and effect of said deed; and it is declared that the said deed shall be accepted and accounted sufficient in the law for the effectual passing away the title of said land to the said Wright.

The whole record of the session, acts, grants and orders of this Assembly, as they stand entered in the pages of this book next preceding, was read in the presence of both Houses, and by them ordered to be signed by the Secretary as compleat.

GEORGE WYLLYS, Secretary.

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[112] *CONNECTICUTT COLONY.*

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD IN HIS MAJESTIES ENGLISH COLONY OF CONNECTICUTT, IN NEW ENGLAND, IN AMERICA, (BY SPECIAL ORDER OF HIS HONOUR THE GOVERNOUR,) ON THURSDAY THE 15TH DAY OF FEBRUARY, ANNO REGNI REGIS GEORGII, MAGNÆ BRITANNIÆ, &C. 2[di], 6[to], ANNOQUE DOM. 173$\frac{2}{3}$.

Present,

The Honourable Jonathan Law, Esq[r], Deputy Governour.

Samuel Eells, Esq[r],	Joseph Whiting, Esq[r],	*Assistants.*
Mathew Allyn, Esq[r],	Ozias Pitkin, Esq[r],	
Roger Wolcott, Esq[r],	Timothy Pierce, Esq[r],	
James Wadsworth, Esq[r],	Samuel Lynde, Esq[r],	
John Hooker, Esq[r],	Edmund Lewiss, Esq[r],	
Nath[l] Stanly, Esq[r],		

Representatives or Deputies that attended this Assembly are as follows, (viz:)

Mr. William Pitkin, Mr. John Marsh, for Hartford.
Mr. Solomon Coit, Mr. Daniel Coit, for Newlondon.

Mr. Richard Abbee, Mr. Jabez Huntington, for Windham.
Mr. Hez[b] Gaylord, Mr. Samuel Palmer, for Hebron.
Mr. Jeremiah Fitch, Mr. Peter Buell, for Coventry.
Major John Sabin, Mr. Jonathan Dressor, for Pomfrett.
Mr. James Packer, Mr. Humphrey Avery, for Groton.
Mr. John Riggs, Mr. Gideon Johnson, for Derby.
Mr. John Russell, Mr. Jonathan Rose, for Branford.
Mr. Joseph Minor, Mr. William Preston, for Woodbury.
Mr. Henry Crane, Mr. Moses Parsons, for Durham.
Mr. Ebenezer West, Mr. William Throop, for Lebanon.
Mr. Joshua Brainerd, for East Haddam.
Mr. Abell Birdseye, Mr. John Thompson, for Stratford.
Mr. Giles Hall, Mr. Thomas Alling, for Midletown.
Mr. Jabez Hide, Mr. John Edgerton, for Norwich.
Mr. John Perrey, Mr. Philip Eastman, for Ashford.
Mr. Isaac Dickerman, Mr. Isaac Johnson, for Newhaven.
Mr. Andrew Burr, Mr. Ebenezer Silliman, for Fairfield.
Mr. Jacob Johnson, Mr. Benj[a] Hall, for Wallingford.
Mr. Josiah Hart, Mr. Anthony Judd, for Farmingtown.
Mr. Jonathan Hoit, for Stanford.
Mr. Joseph Phelps, Mr. Samuel Griswould, for Symsbury.
Mr. Joseph Platt, Mr. James Lockwood, for Norwalk.
Mr. Joseph Witter, Mr. John Cook, for Preston.
Mr. James Reignolds, Mr. Nath[l] Huistead, for Greenwich.
Mr. Thomas Wells, Mr. David Hubbard, for Glassenbury.
Mr. James Beebee, for Danbury.
Mr. John Lane, Mr. John Stephens, for Killingsworth.
Mr. Caleb Cone, for West Haddam.
Mr. Samuel Hill, Mr. Benjamin Hand, for Guilford.
Mr. Joseph Lewiss, Mr. Stephen Hopkins, for Waterbury.
Mr. Richard Lord, Mr. Stephen Lee, for Lyme.
Coll. David Goodrich, Mr. John Chester, for Weathersfield.
[113] Mr. John Creerey, Mr. Ephraim Kingsbury, for Plainfield.
Mr. Henry Wolcott, Mr. Henry Allyn, for Windsor.
Mr. John Bulkley, Mr. Israel Newton, for Colchester.
Mr. Roger Newton, Mr. Nathan Baldwin, for Milford.
Mr. Experience Porter, Mr. Josiah Conant, for Mansfield.
Mr. Sam[l] Willard, Mr. Andrew Lord, for Saybrook.

Mr. William Pitkin, Speaker, } of the House of Repre-
Mr. John Russell, Clerk, } sentatives.

On the citation of the New London Society for Trade and Commerce united, to shew by what authority they had emitted some thousands of pounds, in like manner with the bills of publick credit on this and the neighbouring Provinces, and to

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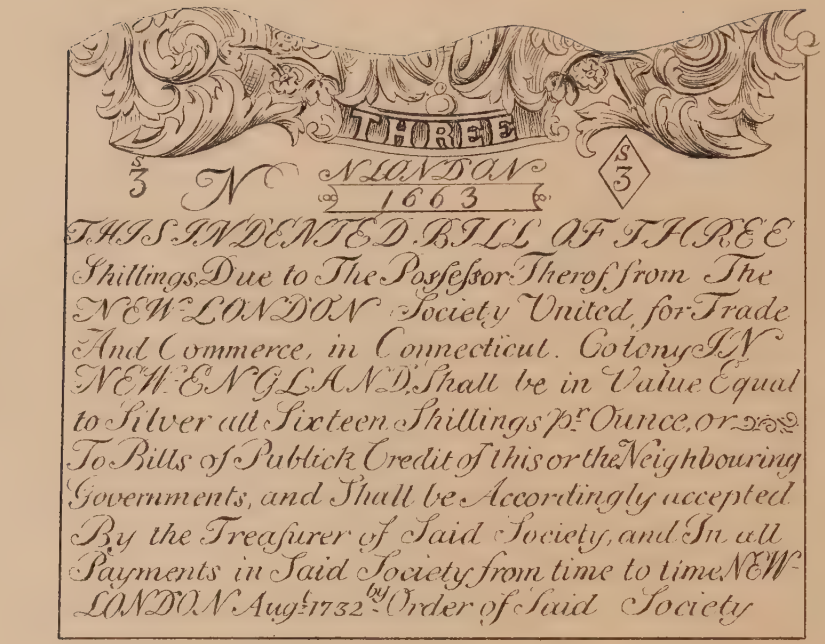
Three Shillings.

THIS Indented Bill of *Three Shillings*, Due to the Poſſeſſor thereof from the NEW-LONDON Society United for Trade and Commerce in *Connecticut* in *NEW-ENGLAND*, Shall be in Value Equal to Silver at *Sixteen Shillings pr.* Ounce, or to Bills of Publick Credit of this or the Neighbouring Governments, and ſhall be Accordingly accepted by the Treaſurer of ſaid Society, and in all Payments in ſaid Society from time to time.

New-London Aug. 1732 *By Order of ſaid Society.*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THIS INDENTED BILL OF THREE Shillings Due to The Possessor Therof from The NEW LONDON Society United for Trade And Commerce in Connecticut Colony IN NEW ENGLAND Shall be in Value Equal to Silver at Sixteen Shillings p^r Ounce or To Bills of Publick Credit of this or the Neighbouring Governments and Shall be Accordingly accepted By the Treasurer of Said Society and In all Payments in Said Society from time to time NEW LONDON Aug^t 1732 by Order of Said Society
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AMOR
VICIT
OMNIA
Joseph Wright
John Bissel Com^t
John Lee
Solomon Coit
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shew cause why they should not refund to the possessors of them according to the face of the said bills in a proper currency, and why they should not be amerced for their mismanagement, and cease to be a society: The said Society appeared by their agents, and the council for this government and the said agents were heard thereon. The council for the society took exception to the jurisdiction of the court and waved it, and pleaded in their justification that the bills emitted by them were not of the nature and tenor of the bills of the Provinces, but only of the nature of bills of exchange, which they had a natural right and authority to do. On consideration whereof, the questions following were distinctly put and resolved:

1st. Whether it be lawful for any society in this government, or particular person or persons, on their own private credit or fund, without the authority of this government at least, to emit bills of credit of the tenor of the bills of credit of this Colony: Resolved by this Assembly in the negative.

2ly. Whether the bills emitted by the New London Society for Trade and Commerce are of the tenor and nature of the bills of credit of this Colony: Resolved in the affirmative, and that the said bills are no ways agreeable to bills of exchange, as has been pleaded before this Assembly.

3ly. Whether the said society are bound in justice and equity to refund and pay back to the possessors of the society bills, so much in current money or in bills of publick credit of this or the neighbouring governments as by the said society's bills is mentioned and exprest: Resolved in the affirmative.

4ly. Whether it be not expedient for this government to pass an act for the preventing the emission and uttering bills of credit on any fund or credit of any society, or person or persons, within this government, formed for a general currency in lieu of money or a medium of trade: Resolved in the affirmative.

This Assembly observing that great disorders and confusions have arisen in this government, by reason of the New-london Society united for Trade and Commerce their presuming to strike and emit a certain number of bills of credit on their own society, whereby many honest people are in danger of being defrauded, and the peace of this government subverted; whereby also the credit of the government may sink, and the government thereby be disinabled to defend itself, or to procure necessaries on any emergent occasion: Which inconveniences to prevent for the future,

Be it enacted by the Deputy Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whosoever shall presume to strike or emit any bills of credit, of the nature or tenor of bills of credit [114] ‖ on this government, on any fund or credit of any person or persons, or of any society, to be used and improved as a general currency, or a medium of trade and in lieu of money, shall be subject to the same pains and penalties as those that are guilty of forging or counterfeiting bills of credit on this government. And if any person or persons shall utter or vend any such bill or bills, which either have been or shall be emitted, he or they shall forfeit double the sum mentioned in such bill or bills; the one half to him that shall prosecute the same to effect, the other half to the town or county treasurer, according as where such offence shall be prosecuted.

The act or grant of this Court constituting the Newlondon Society, and also the records of the said society, being read and considered, it was observed that a stock was necessary to be made, by the proportion of which stock put in by the members thereof all their votes were to be computed, and that nothing but mortgages were put in by the members thereof to make this stock: On which the following question was put, whether by the said mortgages any stock were made, according to the true intent and meaning of the grant: Resolved in the negative.

The question being put, whether the Newlondon Society by their mismanagement have forfeited the privileges granted or enacted in their favour by this Assembly in May last, for which the said grant or act ought to be repealed: Resolved in the affirmative.

Whereupon it is considered by this Assembly, That the act of this Assembly in May last, allowing and granting unto Thomas Seymour, John Curtiss, John Bissell, Solomon Coit, &c., memorialists, to be a society for trade and commerce, be repealed and made void, and it is hereby repealed and made void accordingly.

The question was put, whether it be not expedient, (*sic stantibus circumstantiis,*) to emit a certain number of bills of credit on this Colony, to the value of thirty thousand pounds, part thereof to be tendered to such persons as this Assembly shall appoint and shall give security for the drawing in the bills lately emitted by the Newlondon Society, and the other part of the said sum to be let out for the benefit of the government; all to be on such security, and for such a time or times, and for such interest, and with such distinctions from other

bills, in such form as this Assembly shall order and appoint, and that a bill be drawn in form: Resolved in the affirmative.

Whereas this Assembly hath ordered that thirty thousand pounds in bills of credit on this Colony shall be emitted,

It is now farther resolved, That his Honour the Governour and Nath[l] Stanly, Esq[r], be desired to procure some meet person to stamp the said bills as soon as may be, that the same may be disposed of according to said order.

This Assembly grants Roger Wolcott, Esq[r], and Mr. Samuel Willard, to each of them, thirty shillings out of the Colony treasury, for their good service as agents before this Assembly.

The whole record of the session, acts and orders of this Assembly, as they stand entered in the pages of this book next preceding, was read in the presence of both Houses, and by them ordered to be signed by the Secretary as compleat.

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[115] *CONNECTICUTT COLONY.*

At a General Assembly holden at Hartford, in his Majesties English Colony of Connecticutt, in New England, in America, on Thursday the 10th day of May, anno regni Regis Georgii, Magnæ Britannæ, &c., 2[di], 6[to], Annoque Domini 1733.

Present,

The Honourable Joseph Talcott, Esq[r], Governour.
The Honourable Jonathan Law, Esq[r], Deputy Governour.

Samuel Eells,	Esq[rs],	Joseph Whiting,	Esq[rs],	*Assistants.*
Mathew Allyn,		Ozias Pitkin,		
Roger Wolcott,		Timothy Pierce,		
James Wadsworth,		John Burr,		
John Hooker,		Samuel Lynde,		
Nathaniel Stanly,		Edmund Lewiss,		

Representatives or Deputies from the several Towns in this Government that attended this Assembly, are as follows, viz:

Mr. William Pitkin, Mr. John Marsh, for Hartford.
Mr. Richard Christophers, Mr. George Richards, for Newlondon.
Mr. Jabez Huntington, Mr. Thomas Dyer, for Windham.
Mr. John Bulkley, Mr. Israel Newton, for Colchester.
Mr. Richard Lord, Mr. Stephen Lee, for Lyme.
Mr. Joseph Judson, Mr. Ephraim Curtiss, for Stratford.

Mr. Stephen Hopkins, Mr. Thomas Judd, for Waterbury.
Mr. John Sabin, Mr. Leicester Grosvenour, for Pomfrett.
Mr. Roger Newton, Mr. Samuel Gunn, for Milford.
Mr. Henry Crane, Mr. Moses Parsons, for Durham.
Mr. James Packer, Mr. Humphrey Avery, for Groton.
Mr. Thomas Stoughton, Mr. Henry Allyn, for Windsor.
Mr. Jonathan Hoit, Mr. Jonathan Bates, for Stanford.
Mr. Josiah Conant, Mr. Thomas Stores, for Mansfield.
Mr. Thomas Noyce, Mr. Increase Billings, for Stonington.
Mr. Samuel Hill, Mr. Thomas Hotchkins, for Guilford.
Mr. John Brown, Mr. Hez^{h} Packer, for Preston.
Mr. Isaac Dickerman, Mr. Jonathan Alling, for Newhaven.
Mr. Samuel Couch, Mr. Andrew Burr, for Fairfield.
Mr. William Throop, Mr. Jonathan Trumble, for Lebanon.
Mr. Samuel Willard, Mr. Nathaniel Clark, for Saybrook.
Mr. Elisha Paine, Mr. John Dyer, for Canterbury.
Mr. James Leavinz, Mr. Joseph Cadey, for Killingly.
Mr. John Russell, Mr. Daniel Barker, for Branford.
Mr. Joseph Platt, Mr. James Lockwood, for Norwalk.
Mr. John Riggs, Mr. Samuel Bassett, for Derby.
Mr. Stephen Noble, Mr. John Bostwick, for New Milford.
Mr. Samuel Olmstead, for East Haddam.
Mr. Caleb Cone, for West Haddam.
Mr. John Perry, Mr. Phillip Eastman, for Ashford.
Mr. John Lane, Mr. Daniel Griswould, for Killingsworth.
Mr. Theophilus Yale, Mr. Gideon Ives, for Wallingford.
Mr. Nath^{l} Burnham, Mr. John Chester, for Weathersfield.
Mr. George Phillipse, Mr. Joseph White, for Midletown.
Mr. John Grigory, Mr. John Starr, for Danbury.
[116] Mr. James Reignolds, Mr. Ebenezer Mead, for Greenwich.
Mr. James Case, Mr. John Humphrey, for Symsbury.
Mr. Joseph Backus, Mr. Jabez Hide, for Norwich.
Mr. Anthony Judd, Mr. Josiah Hart, for Farmingtown.
Mr. Hez^{h} Gaylord, Mr. Joseph Swettland, for Hebron.
Mr. Thomas Wells, Mr. David Hubbard, for Glassenbury.
Mr. John Creery, Mr. William Marsh, for Plainfield.
Mr. Jeremiah Fitch, Mr. Peter Buell, for Coventry.
Mr. Joseph Minor, Mr. William Preston, for Woodbury.
Mr. William Pitkin, Speaker, } of the House of Represent-
Mr. John Russell, Clerk, } atives.

This day being appointed by charter and the laws of this Colony for the election of the publick officers of this corporation, (viz:) the Governour, Deputy Governour, Assistants, Treasurer, and Secretary, proclamation being made, the freemen proceeded to bring in their votes to persons chosen by

the Governour, Council and Representatives, to receive, sort and count them.

The persons so chosen and appointed were, Roger Wolcott, Nathaniel Stanly, Joseph Whiting, Ozias Pitkin, Timothy Pierce, John Burr, Samuel Lynde, Edmund Lewiss, Esq^{rs}, Mr. John Chester, Mr. John Bulkley, Mr. Samuel Gunn, Mr. John Russell, Mr. John Brown, Mr. Richard Lord, Mr. Andrew Burr, Mr. Ephraim Curtiss, Mr. William Throop, and Mr. Jabez Huntington. And the freemen's votes being bro't in, sorted and counted,

The Honourable Joseph Talcott, Esq^{r}, was chosen Governour of this Colony for the year ensuing, and the Governour's oath, and the oath required by act of Parliament relating to trade and navigation, were administred to his Honour the Governour in the presence of this Assembly.

The Honourable Jonathan Law, Esq^{r}, was chosen Deputy Governour of this Colony for the year ensuing, and the Deputy Governour's oath was administred to him in the presence of this Assembly.

Samuel Eells, Esq^{r}, Mathew Allyn, Esq^{r}, Roger Wolcott, Esq^{r}, James Wadsworth, Esq^{r}, John Hooker, Esq^{r}, Nathaniel Stanly, Esq^{r}, Joseph Whiting, Esq^{r}, Ozias Pitkin, Esq^{r}, Timothy Pierce, Esq^{r}, John Burr, Esq^{r}, Samuel Lynde, Esq^{r}, Edmund Lewiss, Esq^{r}, were chosen Assistants of this Colony for the year ensuing; and the Assistant's oath was administred to Samuel Eells, Roger Wolcott, Nathaniel Stanly, Joseph Whiting, Ozias Pitkin, Timothy Pierce, John Burr, Samuel Lynde, Edmund Lewiss, Esq^{rs}, in the presence of this Assembly.

Mr. John Whiting was chosen Treasurer of this Colony for the year ensuing.

Mr. Hezekiah Wyllys was chosen Secretary of this Colony for the year ensuing, and the Secretary's oath was accordingly administred to him in the presence of this Assembly.

This Assembly do appoint Samuel Eells and Nathaniel Stanly, Esq^{rs}, to return the thanks of this Assembly to the Reverend Mr. Eliphalett Addams, for his sermon preached before the Assembly on the 10th of May instant, and desire he give a copy thereof, that it may be printed.

This Assembly do appoint the Honourable Jonathan Law, Esq^{r}, to be Chief Judge of the Superiour Courts for the year ensuing.

This Assembly do appoint Samuel Eells, Roger Wolcott, James Wadsworth and Joseph Whiting, Esq^{rs}, to be Assistant Judges of the Superiour Courts for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^r, to be Judge of the County Courts in the county of Newhaven for the year ensuing.

This Assembly do appoint Samuel Lynde, Esq^r, to be Judge of the County Courts in the county of Newlondon for the year ensuing.

[117] This Assembly do appoint John Burr, Esq^r, to be Judge of the County Courts in the county of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^r, to be Judge of the County Courts in the county of Windham for the year ensuing.

This Assembly do appoint Joseph Whiting, Esq^r, to be Judge of the Court of Probate in the district of Newhaven for the year ensuing.

This Assembly do appoint Mr. Joshua Hempstead to be Judge of the Court of Probate in the district of Newlondon for the year ensuing.

This Assembly do appoint John Burr, Esq^r, to be Judge of the Court of Probate in the district of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^r, to be Judge of the Court of Probate in the district of Windham for the year ensuing.

This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate in the district of Guilford for the year ensuing.

This Assembly do appoint Mr. Joseph Minor to be Judge of the Court of Probate in the district of Woodbury for the year ensuing.

This Assembly do appoint Mr. Jonathan Hoyt to be Judge of the Court of Probate in the district of Stanford for the year ensuing.

This Assembly do appoint Mr. Samuel Bishop, Mr. James Hooker, Mr. John Riggs, Mr. Roger Newton, Mr. John Russell, Mr. Wareham Mather, Mr. Thomas Judd, Mr. Theophilus Yale, Mr. Samuel Gunn, Mr. Janna Meiggs, Mr. Samuel Brunson, Mr. Henry Crane, Mr. Samuel Hall, Mr. John Bostwick, Mr. Thomas Clark, and *Mr. Benjamin Hall**, to be Justices of the Peace in and for the county of Newhaven for the year ensuing.

This Assembly do appoint Messrs. Samuel Bishop, James

* A line has been drawn through this name on the record. The Lower House did not concur in the appointment of Mr. Hall. *Civil Officers, &c.*, II., 205.

Hooker, John Riggs, Roger Newton, and John Russell, to be of the Quorum in the county of Newhaven for the year ensuing.

This Assembly do appoint Mr. Joseph Platt, Mr. Joseph Minor, Mr. Andrew Burr, Mr. John Thompson, Mr. Jonathan Hoyt, Mr. John Grigory, Mr. Samuel Couch, Mr. Moses Dimon, Mr. Joseph Bishop, Mr. John Copp, Mr. William Preston, Mr. Thomas Bennett, Mr. Thomas Tousey, Mr. James Bebee, Mr. Ephraim Curtiss, Mr. Joshua Knapp, Mr. John Gold, Mr. James Benedict, Mr. John Read, Mr. Ebenezer Mead, jun^{r}, and Mr. Nath^{l} Peck, to be Justices of the Peace in and for the county of Fairfield for the year ensuing.

This Assembly do appoint Mr. Joseph Platt, Mr. Joseph Minor, Mr. Andrew Burr, Mr. John Thompson, and Mr. Jonathan Hoyt, to be of the Quorum in the county of Fairfield for the year ensuing.

This Assembly do appoint Mr. Daniel Palmer, Mr. John Brown, Mr. Joseph Backus, Mr. Abraham Pierson, Mr. Joshua Hempstead, Mr. Jabez Hide, Mr. James Avery, Mr. James Morgan, Mr. Samuel Willard, Mr. William Hide, Mr. Joseph Blague, Mr. John Griswould, Mr. Thomas Lee, Mr. Richard Lord, Mr. John Cook, Mr. Richard Christophers, Mr. Jabez Perkins, Mr. Christopher Avery 2d, and Mr. Joseph Minor, to be Justices of the Peace in and for the county of Newlondon for the year ensuing.

This Assembly do appoint Mr. Daniel Palmer, Mr. John Brown, Mr. Joseph Backus, Mr. Abraham Pierson, and Mr. Joshua Hempstead, to be of the Quorum in the county of Newlondon for the year ensuing.

This Assembly do appoint Mr. Joseph Addams, Mr. Ebenezer West, Mr. Richard Abbee, Mr. William Throop, Mr. Joshua Ripley, Mr. John Fitch, Mr. Joseph Strong, Mr. John Woodward, Mr. Joseph Leavinz, Mr. Peter Buell, Mr. Josiah Conant, Mr. Leicester Grosvenour, Mr. Philip Eastman, Mr. Joseph Cadey, jun^{r}, to be Justices of the Peace in and for the county of Windham for the year ensuing.

This Assembly do appoint Mr. Joseph Addams, Mr. Ebenezer West, Mr. Richard Abbee, and Mr. Willliam Throop, to be of the Quorum in the county of Windham for the year ensuing.

[118] This Assembly do appoint John Burr and Samuel Lynde, Esq^{rs}, Capt. Samuel Gunn, Mr. George Richards, Mr. Ephraim Curtiss, and Mr. Josiah Conant, Auditors, to audit the Colony's accounts with the Treasurer, and make report to this Assembly.

On the memorial of Hezekiah Gaylord and Joseph Swettland, agents for the town of Hebron, praying this Assembly to appoint them a committee who may repair to said town and there examine into the ancient patent upon the last will and map of Joshua, Sachem, and into the different claims of the inhabitants of said town, and direct which way and method may be best for them to have a patent in, whether for the whole township as it is now bounded, or for that part only which the patent abovesaid doth not comprehend: Resolved by this Assembly, that Messrs. Richard Abbee, Jabez Huntington and Josiah Conant, be a committee to repair to the said town of Hebron, at the charge of the memorialists, to hear and examine into the differing claims of the inhabitants, and make report to this Assembly in October next; and that the inhabitants of the adjacent townships be notified to be present by their agents, if they see cause.

This Assembly do establish and confirm Mr. Jonathan Steel of Hartford to be Lieutenant of the 2d company or trainband in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Clapp of Hartford to be Ensign of the 2d company or trainband in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Pelatiah Allyn of Windsor to be Captain of the 2d company or trainband in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Rogers of Newlondon to be Captain of the fourth company or trainband in the town of Newlondon aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Crocker of Newlondon to be Ensign of the fourth company or trainband in the town of Newlondon, and order that he be commissioned accordingly.

There being laid before this Assembly the testimonies of Eleazer and Elihu Palmer of Windham, whose testimonies were drawn by Mr. Richard Abbee, who is a justice of the peace in the county of Windham, and that the witnesses are persons of credit, certified under the hand of the said Richard Abbee; in which testimonies is contained, that one Jeremiah Ripley of Windham, jun^{r}, on the last proxy day at Windham, before a great number of freemen met at the court house there to give in their votes for the election of the Governour

and other officers of this government, did then and there utter very reproachful and contemptuous words concerning the then present Governour and Esq^r Wolcott, tō the great reproach and scandal of this his Majesties government, inconsistent with the honour and peace of this government, without their notice and proper reflections: This Assembly do order and direct Mr. Secretary to make out a proper writ, directed to the sheriff of Windham county or his deputy, requiring him forthwith, on sight thereof, to apprehend the said Jeremiah Ripley of Windham, jun^r, and bring him before this Assembly, to answer for such misdemeanours as shall be on his Majesties behalf objected against him, and abide the censures of this Assembly; and also to summon the abovementioned witnesses.

An Act for enlarging the Fees of County Surveyors.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That each and every of the county surveyors in this government that shall at any time be called forth to officiate in the said office, shall have ten shillings *per diem*, man and horse, and his necessary charges borne while he is upon said service, and no more; any law, usage or custom to the contrary notwithstanding. And that each county surveyor in this Colony shall for the future take the following oath, (viz:)

You A. B. do swear by the ever living God, that you will faithfully attend to and discharge your office of surveyor, unto which you are appointed, without favour and respect to persons, taking only your just fees as by law allowed: So help you God.

[119] This Assembly do establish and confirm Mr. Noah Sabin of Pomfrett to be Captain of the company or trainband in the town of Pomfrett aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Croft of Pomfrett to be Ensign of the company or trainband in the town of Pomfrett, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Bushnell of Say-Brook to be Captain of the company or trainband at the west society in the town of Say-Brook aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jedadiah Chapman of Say-Brook to be Lieutenant of the company or trainband at the west society in the town of Say-Brook aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Warner of Woodbury to be Lieutenant of the western company

or trainband in the town of Woodbury aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Hurlburt of Woodbury to be Ensign of the western company or trainband in the town of Woodbury aforesaid, and order that he [be] commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Freeman to be Ensign of the first company or trainband in the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Charles Campbell to be Lieutenant of the company or trainband in the town of Voluntown, and order that he be commissioned accordingly.

Upon the memorial of Samuel Sterry, representing to this Assembly that the place of his abode is upon the piece of land near the north bounds of Stoningtown and the south bounds of Preston, (viz.) upon that land which by this Assembly was some time past annexed to said Preston, and that in the partition line between the two parishes of said Preston the said annexed land was not divided, so that the memorialist hath been obliged to pay his ministerial rates to both parishes, and praying for relief in the premises: This Assembly appoints Mr. Samuel Butt, Luke Perkins and John Creerey, or any two of them, a committee, on the request of the memorialist, to repair to Preston and notify the two societies thereof, and make equal division of said annexed land between said parishes, so as to determine within which the memorialist now dwells, (all to be at the cost of the memorialist,) and to make return thereof to the next Assembly.

This Assembly do establish and confirm Mr. Joseph Judson of Woodbury to be Lieutenant of the north company or trainband in the town of Woodbury aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Knowles of Woodbury to be Ensign of the north company or trainband in the town of Woodbury aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Peter Farnam of Killingsworth to be Ensign of the west company or trainband in the town of Killingsworth aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Lockwood of Greenwich to be Lieutenant of the east company or trainband in the town of Greenwich aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Andrew Hinman of Woodbury to be Captain of the south company or trainband in the town of Woodbury aforesaid, and order that he [be] commissioned accordingly.

This Assembly do establish and confirm Mr. Francis Stiles of Woodbury to be Lieutenant of the south company or trainband in the town of Woodbury, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Bostwick to be Ensign of the company or trainband in the town of New Milford, and order that he be commissioned accordingly.

[120] Upon the memorial of Mr. Ebenezer Williams of Pomfrett, clerk, setting forth that this Assembly did by their deed under the seal of this Colony, dated July 8th, 1686, give, grant, ratify and confirm, unto John Blackwell, James Fitch, Esq^{rs}, and others, all that certain tract or parcel of land which now comprizeth the towns of Pomfrett and Mortlake, (as by the bounds exprest in said deed or patent appears,) to be forever hereafter deemed and reputed to be one entire township; and also representing that he, the memorialist, sundry years since, (supposing it to be one township,) purchased and settled upon a part of said land, bounded and described as in the plat thereof now laid before this Assembly, which by a patent in due form of law of part of said land since executed only to the aforesaid John Blackwell, his heirs and assigns, appears to be a part thereof now called Mortlake, and other inconveniences attending him by reason thereof, as his being settled in the work of the gospel ministry in Pomfrett and his dwelling and estate lying in Mortlake aforesaid: It is granted by this Assembly, that the lands of the memorialist, containing in quantity three hundred and seventy four acres, and bounded east and north on Mashamoquett brook or Pomfrett, west on Blackwell's brook or Pomfrett, and south on land of Jonathan Belcher, Esq^{r}, shall be annexed to the township of Pomfrett, and the same is hereby annexed to the aforesaid township of Pomfrett, and declared forever to be part thereof; and that the memorialist now, and all the inhabitants that shall hereafter live on said tract of land, shall bear their proportion of charge, and enjoy all privileges appertaining to said town of Pomfrett; and that the bounds between the towns of Pomfrett and Mortlake for the future be as follows, (viz:) beginning at a meer-stone by Blackwell's brook, which is the southwest corner of the aforesaid 374 acres, and thence extending northeasterly by and upon said Belcher's land to a meer-stone standing in the line between Benjamin Bellknapp and the memorialist's land, and which is

the east corner of the aforesaid 374 acres, and thence north to Mashamoquett brook.

This Assembly do establish and confirm Mr. John Granniss to be Captain of the company or trainband at the north parish in the town of Newhaven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Sanford to be Lieutenant of the company or trainband at the north parish in the town of Newhaven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Cooper to be Ensign of the company or trainband at the north parish in the town of Newhaven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Moses Dimon to be Captain of the company or trainband at the parish of Greenfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Wakeman to be Lieutenant of the company or trainband at the parish of Greenfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Lyon to be Ensign of the company or trainband at the parish of Greenfield, and order that he be commissioned accordingly.

Upon the memorial of Benjamin Hickcox, Andrew Hinman, Richard Brunson and Solomon Johnson, committee for Southbury parish in the town of Woodbury, representing to this Assembly that said parish have unanimously agreed and voted to build an house for the publick worship of God in said parish, and praying for a committee to fix and determine the place most convenient therefor: Resolved by this Assembly, that Messrs. William Hickcox, Joseph Lewiss and Thomas Clark, be a committee, at the cost and charge of the memorialists, with full power to repair to said parish, and having given suitable notice to the inhabitants of said parish and heard them relating to said affair, to fix, ascertain and determine the place whereon said house should be erected, and make report of their doings in said affair to this Assembly.

[121] This Assembly do establish and confirm Mr. Joshua Robbins to be Captain of the company or trainband at the parish of Stepney in the town of Weathersfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jacob Williams to be Lieutenant of the company or trainband at the parish of Stepney in the town of Weathersfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Gideon Goodrich to be Ensign of the company or trainband at the parish of Stepney in the town of Weathersfield, and order that he be commissioned accordingly.

Upon the memorial of Obadiah Roads and Abigail Rhoads, complaining that they were committed to Windham goal on the fifth day of December last past, and that at the session of the superiour court there in March last, the said court was of opinion that, inasmuch as the cause of their commitment was on suspicion of their being guilty of the death of Oliver Carpenter, who was found dead in the Colony of Rhoad Island and the inquest there taken, that the crime was not cognizable in this Colony, and that thereupon they were transported to the Colony of Rhoad Island, and on consideration of the court there the said court refused to proceed to their tryal, and [they] were remitted back to Windham goal; praying that this Assembly would order that they might be admitted to bail, or in some other way, as to them shall seem fitting, give or order to them goal delivery: On which case it was moved to this Assembly, whether a murther perpetrated in the government of Rhoad Island be cognizable in any of the courts in this government, and resolved in the negative; as also, whether accessories, who become so by something done in this government, can be tryed here, before a certification of the conviction of the principal from the government where the conviction is, and resolved in the negative. Whereupon it is resolved by this Assembly, that the said prisoners be forthwith transported to the Colony of Rhoad Island, and committed into the hands of some of the authority there; and the sheriff of Windham county is hereby ordered to see this order put in execution; and that the Honourable the Governour is desired to send a copy hereof, and other necessary information relating to this matter, to the Governour of Rhoad Island; and that an account of the costs and charges of taking, imprisoning and transporting the said prisoners, signed by his Honour the Governour, be seasonably sent to the general court of tryals at Newport on Rhoad Island.

This Assembly do establish and confirm Mr. Andrew Burr of Fairfield to be Captain of the second company or trainband in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Rowland to be Lieutenant of the second company or trainband in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Dimon to be Ensign of the 2d company or trainband in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

Upon the memorial of the society in Reading, setting forth that they had lately settled a gospel minister amongst them, and that they were under a necessity of building a meeting house there, and that much of the lands in said parish was not cleared, therefore not taxed; praying thereupon that the lands that is layed out there may be taxed, and that the inhabitants in said society may be freed from the publick tax for some time: This Assembly do grant and order a tax of three shillings per hundred acres on all unimproved lands laid out in said society, for the space of four years, to be exclusive of those lands belonging to persons of the episcopal persuasion and by our law are discharged from paying taxes for the support of the ministry allowed by the laws of this Colony; to be gathered and collected by the collectors of said parish annually during said term, as other society taxes are collected, and to be improved for the building said house, or the support of the said minister, as the necessity of said parish shall require. And the said memorialists, and not others in said society, are hereby freed and discharged from paying any publick taxes for the space of four years.

[122] This Assembly do establish and confirm Mr. Ebenezer Williams to be Lieutenant of the company or trainband at the parish of Goshen in the town of Lebanon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard Ely to be Captain of the north company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Ely to be Lieutenant of the north company in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Selden to be Ensign of the north company or trainband in the town of Lyme, and order that he be commissioned accordingly.

Upon the memorial of John Dennisson, late of Norwich in the county of Newlondon now of Lyme in said county, *versus* Joseph Tracey and William Hide, jun^{r}, and the rest of the proprietors of said Norwich, representing to this Assembly that the said Joseph Tracy and William Hide, &c., brought their action against the memorialist at the county court in Newlondon the fourth Tuesday of February last past, demanding the surrendry of thirty one acres and a half of land near the southwest corner of Norwich township, excepting about

four acres within the same which was before recovered by said proprietors, which land is bounded and described as by their writ dated February the 4th, 173$\frac{3}{3}$; and that he, depending upon Capt. Joshua Hempstead of Newlondon to appear as a voucher and defend the memorialist in the possession of said land, but gave him no power of attourney for his so doing, who accordingly appeared, but not having power from the memorialist, his appearance was rejected, and judgment by said court rendred on default against the memorialist for the rendry of the aforesaid lands; by means of which he hath lost his land aforesaid without any tryal, and is without remedy without this Assembly do interpose: Whereupon it is resolved by this Assembly, that the memorialist shall have liberty to enter the aforesaid action in the county court to be holden in Newlondon in June next, by way of review, and prosecute the same as he might have done if he had reviewed at the court in February aforesaid, as thô no default had been entered.

Upon the memorial of John Rippenor of Hartford, shewing to this Assembly that the memorialist for many years last past hath been very much troubled with the palsy, whereby he is incapable to follow his trade, praying that he may be released from paying taxes for his head and faculty: It is resolved by this Assembly, that the said John Rippenor be released, and he is hereby released, from paying taxes for his head and faculty for the future.

This Assembly do appoint Mr. Joshua Hempstead to be Surveyour of lands in the county of Newlondon till the sessions of this Assembly in October next.

Upon the petition of Thomas Spencer, of Hartford in Hartford county, shewing to this Assembly that David Smith, Samuel Smith, &c., heirs of Phillip Smith, late of said Hartford, deceas'd, brought their action against the petitioner, demanding of the petitioner the surrendry of eighty acres of land, as by their writ dated January 29th, 1730–31, which action by review, appeal and continuances, was bro't to the superiour court at Hartford aforesaid in March, A. D. 173$\frac{1}{2}$, where the said David Smith, &c., plaintiffs, had final judgment to recover of the petitioner the land demanded and cost; the said petitioner praying to this Assembly to reverse and set aside the said judgment with all the doings thereon, and grant the petitioner liberty of one more tryal of his aforesaid case at the superiour court at Hartford aforesaid in September next, and that the whole of the cost may follow the judgment that may be given upon said tryal; for the reasons set forth in the same petition: Resolved by this Assembly, that the prayer of the said petitioner be granted, and the aforesaid judgment of

the superiour court is hereby reversed and made utterly void, with all the doings thereon. And this Assembly grant liberty to the petitioner to have a new tryal of his case aforesaid, at the superiour court to be holden at Hartford aforesaid in September next; and that the whole of the cost in said case shall follow the final judgment to be given upon said tryal.

Upon the petition of John Stocking, administrator on the estate of Daniel Stocking, late of Midletown, deceas'd, shewing to this Assembly that the said Daniel Stocking recovered final judgment against Daniel Beckley of Weathersfield, at the [123] superiour || court in Hartford, March, 173½, and that the said Beckly, by petitioning this Assembly in May last, obtained the liberty of a tryal of said case at the superiour court at Hartford in September last, and by said superiour court the said cause was continued to the superiour court in March last, in which time the said Daniel Stocking deceas'd; and the said John Stocking praying this Assembly for a tryal of said cause at the superiour court at Hartford in September next, and that he, as administrator on said estate, may be admitted to prosecute the same: Resolved by this Assembly, that the said John Stocking shall have the liberty of another tryal of said cause at the superiour court to be held in Hartford in September next; and that the said John Stocking, as administrator on the estate of said deceas'd, shall be admitted to prosecute the same; and that the whole cost follow the final judgment in said cause.

Upon the memorial of Joshua Robbins, David Goodrich, Joseph Treat, Samuel Wright, and the rest of the inhabitants of the town of Weathersfield in Hartford county and Colony of Connecticutt, praying this Assembly to set aside and make void whatsoever hath been done relating to a highway laid out in said Weathersfield according to the direction of the county court in the county of Hartford, held by adjournment on the 6th day of June last, pursuant to a resolve of this Assembly, upon a petition of sundry persons of the parish of Newington, at their sessions in May last, and grant that a committee be appointed to repair to the place and to review all the circumstances relating to the premises, &c.: Resolved by this Assembly, that Mr. Nathaniel Marsh of Hartford, and Capt. John Ellsworth and Mr. Joseph Barnerd of Windsor, be a committee, at the charge of the memorialists, to repair to the place, and to review all the circumstances relating to the premises, and hear the parties on the same, and to make report of the same at the sessions of this Assembly, or at the General Assembly in their sessions at Newhaven in October next.

Upon the petition of John Smith of Voluntown, praying for

the reversal of a judgment of the superiour court, given against him at Windham in March last in favour of John Gallop and others, for the surrendry of one hundred acres of land in said Voluntown, bounded as by the writ dated June 12th, 1731: Resolved by this Assembly, that the said judgment be reversed and set aside, with all the doings thereon, and the same is hereby reversed and made void and of no effect; and that the said Smith be restored to all that hath been taken from him by the execution on said judgment.

Upon the memorial of Caleb Leet, Samuel Cruttenden, Pelatiah Leet and Joseph Stone, of Guilford, and the rest of the inhabitants of Guilford called the minor party of the first society in said town, praying to be made a distinct society, with full power to imbody into church estate and set up the worship of God: Upon consideration whereof, this Assembly do grant liberty to the said memorialists to be a lawful society, with liberties, powers and privileges that such societies within this Colony have and do enjoy, and they are hereby made such a society, and their bounds shall be the same as the first society, and shall be called and known by the name of the Fourth Society in Guilford.

This Assembly do establish and confirm Mr. Jacob Griswould to be Captain of the company or trainband in the town of Litchfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Bird to be Lieutenant of the company or trainband in the town of Litchfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Woodruff to be Ensign of the company or trainband in the town of Litchfield, and order that he be commissioned accordingly.

This Assembly observing that for money due to this Colony on divers occasions bonds have been given to particular gentlemen who were imployed in those particular affairs; and, there being no provision made where the bonds shall be lodged, there is hazard of their being forgotten and the money lost: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That, for the future, all bonds for the payment of debts due to the Colony shall be taken to the Governour and Company of his Majesty's Colony of Connecticutt; which bonds shall be [124] delivered to the Secretary of the || Colony, who shall make an entry of his receiving such bonds and deliver them to the Treasurer of said Colony, taking his receipt, and make

entry of his delivery of the same; and the said Treasurer is hereby ordered to give account thereof annually to the auditors of the publick accounts, that they may lay the state of that matter before this Assembly.

And it is further provided, That the bonds taken by John Hall and Hezekiah Brainerd, Esq^{rs}, and the bond taken by James Wadsworth, Esq^{r}, and others lying before this Assembly, be accordingly disposed of; and that the King's attorney of the county of Windham be moved to procure a power of attorney from the executors or administrators of the said Hall and Brainerd, Esq^{rs}, deceas'd, and bring forward actions for the same at the publick charge.

Upon the report of William Hickcox, Joseph Lewiss and Thomas Clark, (committee) sent by this Assembly to fix and determine the place for the setting the meeting house in the parish of Southbury, shewing to this Assembly that they have determined that the said meeting house shall be erected at a stake pitched down on a hill between Lt. Andrew Hinman's house and the house that was Elnathan Strong's: This Assembly do approve of the report of said committee, and order said meeting house to be erected at the place aforesaid.

This Assembly do establish and confirm Mr. Daniel Coit to be Captain of the first company or trainband in the town of Newlondon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Forsdick to be Lieutenant of the first company or trainband in the town of Newlondon, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Beebee to be Ensign of the first company or trainband in the town of Newlondon, and order that he be commissioned accordingly.

Upon the memorial of the inhabitants of the town of Willington, shewing to this Assembly that the inhabitants of said town did, in their meeting at Willington on the seventh of March last, vote that they were minded to build a meeting house for the worship of God amongst them, and had two thirds of the voters at said meeting in the vote; and praying to this Assembly that a committee be appointed by this Assembly to fix a place for their meeting house, as by law provided: Resolved by this Assembly, that Mr. Josiah Conant, Capt. John Perry and Lt. John Huntington, be a committee to fix a place for a meeting house in said town, at the cost of the memorialists, and make report to the General Assembly in October next.

This Assembly do establish and confirm Mr. Joseph Barnerd

to be Lieutenant of the fifth company or trainband in the town of Windsor, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Griswould to [be] Ensign of the fifth company or trainband in the town of Windsor aforesaid, and order that he be commissioned accordingly.

Upon the memorial of Obadiah Owen of Windsor, shewing to this Assembly that by reason of distempers fallen into his leg the bones thereof are dislocated, and he thereby incapacitated to pursue his common business, praying this Assembly to release him from paying rates and taxes for his head: Resolved, that the said Obadiah Owen be released, and he is hereby released, from paying rates and taxes for his head only for the future.

This Assembly do establish and confirm Mr. Ebenezer Stephens to be Lieutenant of the first company or trainband in the town of Danbury, and order that he be commissioned ac cordingly.

This Assembly do establish and confirm Mr. John Benedict of Danbury, to be Ensign of the first company or trainband in the town of Danbury aforesaid, and order that he be com missioned accordingly.

[125] This Assembly do appoint the Honourable Joseph Talcott, Esq^{r}, to be Judge of the Court of Probate in the county of Hartford for the year ensuing.

This Assembly do appoint Ozias Pitkin, Esq^{r}, to be Judge of the County Court in the county of Hartford for the year ensuing.

This Assembly do appoint Mr. Samuel Mather, Mr. David Goodrich, Mr. William Wadsworth, Mr. William Pitkin, Mr. John Marsh, Mr. Hezekiah Wyllys, Mr. Giles Hall, Mr. James Wells, Mr. Thomas Gates, Mr. Joseph White, Mr. Thomas Wells, Mr. John Chester, Mr. John Bulkley, Mr. Nathaniel Foot, Mr. Joseph Phelps, Mr. John Buell, Mr. Jabez Hamlin, and Mr. John Huntington, to be Justices of the Peace in and for the county of Hartford for the year ensuing.

This Assembly do appoint Mr. Samuel Mather, Mr. David Goodrich, Mr. William Pitkin and Mr. John Marsh, to be of the Quorum in the county of Hartford for the year ensuing.

Upon the memorial of Uriah Rogers of Norwalk, praying to this Assembly for a lycence to practice in the art or mystery of a physician, as set forth by his memorial on file: Resolved by this Assembly, that the said Uriah Rogers be allowed, and he is hereby allowed, to practice in said art for the future.

Upon the petition of Joseph Thompson of London, Esq^{r}, *vs.* Daniel Cadey of Killingly, the question was put, whether anything should be granted thereon, and resolved by this Assembly in the negative. *Cost allowed respondent is* £4 0*s.* 10*d. Ex. granted.*

On the report of Messrs. Ebenezer West, John Woodward and Joseph Strong, a committee appointed by this Assembly in October last to consider and report to this Assembly the place most proper to set a meeting house on within the third society in Windham, shewing that they judge the most proper place for said society to set their meeting house upon is a knowl on the east side of Merrick's brook, on the south side of the road from Windham to Canterbury, by a small poplar tree, marked, standing on said knowl about four or five rods south from said road: Resolved by this Assembly, that the place abovementioned be and is hereby established to be the place for the building of a meeting house for and within said society.

Upon the memorial of William Pratt of Hartford, constable of said town, praying to be released from the payment of one hundred seventy seven pounds ten shillings by him collected, which was part of the country rate upon the list for the year 1729, (and was stolen from him,) and to be excused from accounting with the treasurer for the said sum: Resolved by this Assembly, that the memorialist be released of the payment of the sum of one hundred and fifty-five pounds, part of the money by him collected as aforesaid, and that for the sum of £155 he shall be excused and discharged from accounting with the treasurer.

Upon the memorial of Martha Buell of Killingsworth, executrix upon the last will and testament of Josiah Buell, deceas'd, late constable of Killingsworth aforesaid, shewing that the aforesaid Josiah Buell was chosen to collect the publick tax in the year 1732, and that he died before he had fully collected said tax; praying for some direction in that affair: Resolved, that the said executrix shall be chargable with the whole tax, as the said constable in his life time was, and that she shall accordingly make up accounts with the Colony Treasurer for the same. And the said executrix, by herself or her agent, which she is hereby impowred to appoint, shall and are hereby authorized to collect the remainder of said tax that is not yet collected; and the said agent, when appointed, shall have the same authority respecting the premises as the said Josiah Buell had in his life time.

Upon the memorial of the inhabitants of the third society

in Windham, shewing to this Assembly that, pursuant to the act of this Assembly in May last making them a distinct society, [they] did, on the 22d day of June last past, meet together and choose society officers for said society, and in the month of December last said inhabitants meet together again and choose society officers for said society, and difficulties having arisen amongst themselves, and questions whether the officers chosen in June, or those chosen in December last, [126] should have power || to act in their respective offices to which they were chosen in said society; therefore praying this Assembly to establish the said officers chosen in June, or those chosen in said December: And it is resolved by this Assembly, that the committee and other officers chosen by said society at their meeting in December last be good and valid in the law.

Upon the memorial of Joshua Reignolds, Peter Reignolds, Jonathan Palmer, James Reignolds, junr, Joseph Close, junr, Nathaniel Reignolds, Jonathan Huistead, James Peat, and the widow Mary Mead, all of Greenwich in the county of Fairfield, shewing to this Assembly that they live in the south and southwest corner of the parish of Standwich, and labour under great disadvantage by being within said parish, and many of them living nearer, and all as near, to the meeting house in the society of Horseneck in said Greenwich as to that in the parish of Standwich, and have been obliged to pay great rates and taxes to the building a new meeting house and settling a minister in said society of Horseneck, and praying to this Assembly that they may be set off to said Horseneck, with half a mile of the south part and half a mile of the southwest part of said Standwich: This Assembly grants that the memorialists be set off to the society of Horseneck, with half a mile of the south part of said Standwich from Bedford road to the southwest corner thereof, and said memorialists with their lands and estates are hereby set off to said Horseneck as aforesaid.

There being laid before this Assembly by the Honourable the Governour a late act of Parliament* in the words following, (viz:) "*Anno quinto Georgii II., Regis.* An Act for the more easy Recovery of Debts in his Majesty's Plantations and Colonies in America.

"Whereas his Majesty's subjects trading to the British plantations in America lye under great difficulties, for want of more easy methods of proving, recovering and levying debts due to them, than are now used in some of the said plantations: And whereas it will tend very much to the retrieving

* 5 Geo. II., cap. VII.

of the credit formerly given by the trading subjects of Great Britain to the natives and inhabitants of the said plantations, and to the advancing of the trade of this kingdom thither, if such inconveniences were remedied:

"*May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same*, That from and after the twenty-ninth day of September which shall be in the year of our Lord one thousand seven hundred and thirty-two, in any action or suit then depending, or thereafter to be brought in any court of law or equity in any of the said plantations, for or relating to any debt or account, wherein any person residing in Great Britain shall be a party, it shall and may be lawful to and for the plaintiff or defendant, and also to and for any witness to be examined or made use of in such action or suit, to verify or prove any matter or thing by affidavit or affidavits, in writing, upon oath, or in case the person making such affidavit be one of the people called Quakers, then upon his or her solemn affirmation, made before any mayor or other chief magistrate of the city, borough, or town corporate, in Great Britain, where or near to which the person making such affidavit or affirmation shall reside, and certified and transmitted under the common seal of such city, borough or town corporate, or the seal of the office of such mayor or other chief magistrate; which oath and solemn affirmation every such mayor and chief magistrate shall be, and is hereby, authorized and impowred to administer; and every affidavit or affirmation so made, certified and transmitted, shall, in all such actions and suits, be [127] allowed to be of || the same force and effect as if the person or persons making the same upon oath or solemn affirmation, as aforesaid, had appeared and sworn, or affirmed, the matters contained in such affidavit or affirmation (*viva voce*) in open court, or upon a commission issued for the examination of witnesses, or of any party in any such action or suit, respectively; provided that in every such affidavit and affirmation there shall be exprest the addition of the party making such affidavit or affirmation, and the particular place of his or her abode.

"*And be it further enacted by the authority aforesaid*, That in all suits now depending, or hereafter to be brought in any court of law or equity, by or in behalf of his Majesty, his heirs and successors, in any of the said plantations, for or relating to any debt or account, that his Majesty, his heirs and successors, shall and may prove his and their debts and ac-

counts, and examine his or their witness or witnesses, by affidavit or affirmation, in like manner as any subject or subjects is or are impowred or may do by this present act.

"*Provided always, and it is hereby further enacted*, That if any person making such affidavit upon oath or solemn affirmation, as aforesaid, shall be guilty of falsely and wilfully swearing or affirming any matter or thing in such affidavit or affirmation, which if the same had been sworn upon an examination in the usual form would have amounted to wilful and corrupt perjury, every person so offending, being thereof lawfully convicted, shall incur the same penalties and forfeitures as by the laws and statutes of this realm are provided against persons convicted of wilful and corrupt perjury.

"*And be it further enacted by the authority aforesaid*, That from and after the said twenty-ninth day of September, one thousand seven hundred and thirty-two, the houses, lands, negroes and other hereditaments and real estates, situate or being within any of the said plantations, belonging to any person indebted, shall be liable to and chargeable with all just debts, duties and demands, of what nature or kind soever, owing by any such person to his Majesty or any of his subjects, and shall and may be assets for the satisfaction thereof, in like manner as real estates are by the law of England liable to the satisfaction of debts due by bond or other specialty, and shall be subject to the like remedies, proceedings and process, in any court of law or equity in any of the said plantations respectively, for seizing, extending, selling or disposing of any such houses, lands, negroes and other hereditaments and real estates, towards the satisfaction of such debts, duties and demands, and in like manner as personal estates, in any of the said plantations respectively, are seized, extended, sold or disposed of, for the satisfaction of debts."

This Assembly, taking notice that although by the said act of Parliament it is enacted that from and after the twenty-ninth day of September one thousand seven hundred and thirty-two, the houses, lands, negroes and other hereditaments and real estates, situate or being within any of said plantations, belonging to any person indebted, shall be chargeable with his debts and shall be assets for the satisfaction thereof, and may be seized, extended, sold or disposed of, for the satisfying debts due by bonds and other specialties, in like manner as real estates are by the law of England, and in like manner as personal estates in any of the said plantations, respectively, are seized, extended, sold or disposed of, for the satisfaction of debts: Yet no method (appearing to this Assembly) being provided by the said statute, whereby the title to the deceas'd

debtors land may be transferred to any other person for raising the money needful to answer said debts:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as the administrator on the estate of the said deceas'd debtor, or his executor, shall shew to this Assembly, by attested copies from the probates, that the deceas'd debtor did owe more than his personal estate would sat- [128] isfy, and obtain the order of || this Assembly for the substituting the said administrator, or any other person whom this Assembly shall appoint to make sale of so much of the deceas'd debtors lands, as by the said Assembly shall be directed, mediately or immediately, shall be a good and sufficient evidence in the law of his or her title to whom such deed shall be given.

Additions to the Lists of Estates sent in to this Assembly from the several Towns in this Government, (viz:)

	Additions. £	*s.*	*d.*	*Fourfold assessments.* £	*s.*	*d.*
To Hartford,	130	6	6	1853	0	0
To Symsbury,	200	4	0			
To Preston,	31	0	0	244	0	0
To Stoningtown,	151	2	0	1630	2	0
To Woodbury,	229	3	0	34	0	0
To Groton,	158	11	6			
To Windsor,	767	15	0			
To Greenwich,	400	5	2			
To Stanford,	120	0	0			
To Windham,	211	19	0	157	0	0
To Mansfield,	68	9	0			
To Newhaven,	1151	13	9	131	6	0
To Hebron,	375	12	0			
To Haddam East,	111	18	0			
To Canterbury,	72	15	0	72	0	0
To Haddam West,	79	10	0	84	0	0
To Ashford,	241	0	0			
To Killingsworth,	125	6	0			
To Pomfrett,	424	10	0			
To Branford,	5	15	6	545	2	0
To Lebanon,	1339	19	6	84	0	0
To Guilford,	625	18	10	350	13	6
To Farmingtown,	391	19	0	24	0	0
To Norwich,	67	4	5	250	19	0
To Stratford,	263	9	4	1283	5	0
To Derby,	123	16	6			
To Durham,	108	11	8	4	0	0

To Fairfield,	190	0	0	1144	13	6
To Norwalk,	263	5	6	295	12	0
To Midletown,	312	0	0	433	6	0
To Newlondon,	62	0	0	496	0	0
To Weathersfield,	321	8	0	855	8	0

An Act appointing and impowring sundry Persons in the Town of Hartford, their Heirs and Assigns, (that are Proprietors of several Parcels of Land lying Westward of Farmingtown and Symsbury,) to meet and make Partition of said Lands to and amongst themselves.

Whereas the Honourable Joseph Talcott, Nathaniel Stanly and Hezekiah Wyllys, Esq^{rs}, with divers others of the town of Hartford, obtained a patent duly executed under the seal of this corporation, dated May the 22d, 1729, of one moiety or half part of a large tract of land, bounded north on the Province of the Massachusetts Bay; west, partly on land belonging to the Governour and Company of this Colony, and partly on Litchfield; south, partly on the town of Litchfield, partly on Waterbury, and partly on Farmington; east, partly on Farmingtown, partly on Symsbury, partly on land belonging to the Governour and Company of this Colony: The other moiety or half part being granted to sundry persons of the town of Windsor, as by said patent doth appear:

And whereas the said Joseph Talcott, Nathaniel Stanly and Hezekiah Wyllys, and the rest of the patentees of the town of Hartford, have made partition, separation and divisions of [129] said || land between themselves and the patentees of the town of Windsor, as by a certain deed of partition, duly executed, dated February the 11th, 173½, doth appear, by which partition and division four lesser parcels of land lying within said large tract of land was set out to the said patentees of the town of Hartford:

And whereas the said patentees of the town of Hartford, at their lawful proprietors meeting holden in Hartford on the fifth day of April, 1732, and by several adjournments to the 27th day of September following, did by their votes agree, order and determine, in what way and manner the aforesaid four parcels of land should be parted and divided to and amongst themselves into four distinct proprieties, which was accordingly performed and done, as by a certain deed of partition dated September 5th, 1732, doth appear; which partition and division, as expressed in the aforesaid deed, was established and confirmed by the aforesaid proprietors at their meeting holden by adjournment the 27th day of September, 1732, (*nemine contradicente,*) as by their vote on record doth appear:

Now, that the said proprietors of each of the aforesaid four parcels of land may be enabled and impowred in their proprietors' meetings, to make further partition and severance thereof into particular shares and allotments to and amongst themselves, in order to their making improvement and settlement on the same,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the first parcel of land mentioned in the aforesaid instrument of partition, called the North East Part, containing by estimation seventeen thousand six hundred and fifty-four acres, and bounded south on Barkhampstead, and west on Colebrook, east partly on Symsbury west line as stated by Coll. David Goodrich and Mr. Thomas Kimberly, deceas'd, and partly on land belonging to the Governour and Company of this Colony, and north on the Colony line, is hereby named, and shall forever hereafter be called and named, Hartland. And the Honourable Joseph Talcott, Esq^{r}, and Capt. John Shelden, and the rest of the proprietors of said Hartland, or any five of them, are hereby enabled to call a meeting of said proprietors, to be holden in the town of Hartford, by applying themselves, or any five of them, to some assistant or justice of the peace in the county of Hartford for a warrant for the calling such meeting, and the said assistant or justice is hereby impowred to grant his warrant for calling the same, always expressing therein the time, place and business of such meeting, (to one of the proprietors asking for the same,) requiring such proprietors to warn all the proprietors of Hartland of such their meeting, by setting up attested copies of such warrant under the hand of the assistant or justice granting the same, in three publick places in the town of Hartford, at least ten days before such meeting.

And be it further enacted, That the said proprietors of Hartland in their proprietors' meeting, to be assembled as aforesaid, by their major vote, to be computed according to their interest, shall be impowred, and they are hereby impowred, to choose their proprietors' clerk, who shall take the following oath, (viz:)

You N. S. being chose clerk of the propriety of Hartland, do swear by the name of God, that you will truly and faithfully execute the office of clerk for said proprietors, according to your best judgment and skill. You shall make true entry of all the votes and orders of said proprietors, made according to law, as also all grants, deeds of sale, gift or mortgage, or any other alienation of land lying in said Hartland, and give true copies of the same when you are so required, taking

only to yourself such fee as the clerks of our respective towns in this Colony by law take for the like service: So help you God.

And it is hereby enacted and declared, That the entring any deed, mortgage or alienations of land, lying in said Hartland, in the office of said proprietors' clerk, shall fully secure the same from being avoided by any grant, deed or mortgage from the grantor, entred on record afterwards.

And be it further enacted, That the said propietors of Hartland be impowred, by their major vote as aforesaid, and they are hereby impowred, at their proprietors' meeting to choose one or more agents or attourneys, in their name, place and [130] ‖ stead, to sue, prosecute or defend, before any court or judge, and to final judgment and execution to pursue, in any action or case for the defending and maintaining their title and possession in said land; as also to make, order and prescribe, rules for the division and improvement of said land; as also to levy and grant taxes to be levied on themselves, according to their respective interest, for the raising such sum or sums of money as they shall judge needful, for the defraying the charge of any suit or suits, or for the making partition and division of said land, or any other charge properly arising thereon; as also to appoint rate-makers and collectors of such grants or taxes, who are hereby impowred to gather and collect the same, and shall be accountable for such rates or taxes to the proprietors' committee, or treasurer to be chosen by them for that end, under the same penalties and as fully as the collectors of the town rates are impowred and obliged to. And the said proprietors at their meeting are hereby impowred to adjourn said meeting from time to time, to such time and place as they shall judge most proper, and to call after meetings in such way and manner as they shall order and agree. And all partitions of said lands, made according to their interest, by said proprietors in their lawful meetings, by their major vote as aforesaid, are hereby declared valid and lawful.

And be it further enacted, That the second parcel of land mentioned in the said instrument of partition, called the Middle West Part, containing by estimation twenty thousand three hundred and eighty acres, bounded west on land belonging to the Governour and Company of this Colony, east on Barkhampstead, north on Colebrook, south on Torrington, is hereby called, and shall forever after be named and called, Winchester. And Capt. Thomas Seymour and Capt. John Whiting, and the rest of the proprietors of Winchester, are hereby as fully impowred, to all intents and purposes, and in the same manner and way, to call a proprietors' meeting of all the pro-

prietors of said Winchester, to choose a clerk, treasurer, agents or attourneys, committees, rate-makers, and collectors, and to grant taxes and make partition and division of said land to and amongst themselves, and to adjourn their meetings and call after meetings, as in this act is made, provided and granted to the proprietors of Hartland. And their officers are hereby alike impowred, and under the same penalties, and all their acts and doings of like force and value, as the said proprietors of Hartland.

And be it further enacted, That the third parcel of land mentioned in the instrument of partition, called the Southeast Part, containing by estimation twenty-three thousand nine hundred and forty acres, bounded south partly on Harwinton, and partly on land set out and divided to the proprietors of the town of Hartford by said instrument of partition, and part on the town of Farmingtown; east, on Symsbury west line, as stated by Coll. David Goodrich and Mr. Thomas Kimberly, deceas'd; north on Barkhampstead, and west on Torrington, is hereby named, and shall forever hereafter be named, New Hartford. And Nathaniel Stanly, Esq^{r}, and Capt. John Marsh, and the rest of the proprietors of New Hartford, are hereby as fully impowred, to all intents and purposes, and in the same way and manner, to call a proprietors' meeting of all the proprietors of said New Hartford, to choose their clerk, rate-makers, collectors, treasurer, committees, agents and attourneys, and to grant taxes, and make partition and division of said land to and amongst themselves, and to adjourn their meetings and call after meetings, as in this act is made and provided and granted to the proprietors of Hartland; and all their officers alike impowred, and under the same penalties, and all the acts and doings of said proprietors of like force and virtue, as the said proprietors of Hartland.

And be it further enacted, That the fourth parcel of land [131] ‖ mentioned in said instrument of partition, called the Half Township, containing by estimation eight thousand five hundred and ninety acres, bounded east on the town of Farmingtown, south on land belonging, by the partition deed aforesaid, to the grantees of Hartford and Windsor, north on New Hartford, and west on land being the other half part of this parcel set out to the grantees of Windsor, now called Harwinton, is hereby named and called, and shall forever hereafter be named and called, Harwinton, together and for name only, in conjunction with the other part of this parcel of land belonging to the grantees of the town of Windsor, which is already named and called Harwinton. And Hezekiah Wyllys, Esq^{r}, and Mr. Joseph Skinner, and the rest of the proprietors

of Harwinton within the bounds aforementioned, are hereby granted the same powers and privileges, to all intents and purposes, and in the same way and manner, as is by this act provided and granted to the proprietors of any of the parcels of land beforementioned.

Upon the memorial of Thomas Seymour, John Curtiss, Elizur Goodrich, John Lee, and Thomas Chipman, praying that the Newlondon Society united for Trade and Commerce by an act of this Assembly in May last, and dissolved by repealing the said act in February last past, might be revived, with such restrictions as may be consistent with the peace and safety of the government, and not obstruct the ends proposed in setting up that society; and that a way might be found out and provided, whereby the expences of that society may be adjusted among themselves, their credits recovered, and their debts paid and discharged: as also, that this Assembly would lend them thirty thousand pounds; and by their council undertook to obviate the two great exceptions which before this Assembly might lie in the way of the first motion, (viz:) the want of authority, and the hazard of the peace and health of this government: On consideration thereof, the following questions were put, and resolved as follows, (viz:)

1st. Whether it be within the authority of this government, to make a company or society of merchants?

Resolved, That although a corporation may make a fraternity for the management of trades, arts, mysteries, endowed with authority to regulate themselves in the management thereof: yet, (inasmuch as all companies of merchants are made at home by letters patents from the King, and we know not of one single instance of any government in the plantations doing such a thing,) that it is, at least, very doubtful, whether we have authority to make such a society; and hazardous, therefore, for this government to presume upon it.

2ly. Whether it be for the peace and health of this government, to create such a society?

Resolved, That such a society of merchants, whose undertakings are vastly beyond their own compass, and must depend on the government for their supplies of money, and must therefore depend on their influence on the government to obtain it, is not for the peace and health of the government.

An Act for the Relief of the Possessors of the Bills of the late New London Society for Trade and Commerce, and appointing a Court of Chancery to hear and determine according to Equity all Controversies about said Bills, and the Doings of said Society and the several Officers and Members thereof.

Whereas sundry persons have of late mortgaged their lands

[132] || to Mr. John Curtiss, treasurer to the late Newlondon Society for Trade and Commerce, and to his successors, or to Daniel Coit, with a design to form themselves into a society for trade and commerce under the privilege granted to John Bissell, Thomas Seymour, and others their associates, under the name of the Newlondon Society for Trade and Commerce; and the said mortgagers thereupon have assumed themselves to be a society for trade and commerce, and as such have struck and emitted bills of credit upon themselves, under the name of the Newlondon Society for Trade and Commerce, to the value of many thousand pounds, which bills they have put off and sold to his Majesty's good subjects as a medium of trade current, and equal in value to silver at sixteen shillings per ounce, or the bills of publick credit of this and the neighbouring governments, and for the same have received in provisions and other valuable commodities of his Majesty's subjects many thousand pounds worth, as for a current medium of trade of the value aforesaid:

And whereas the deception of said mortgages were soon discovered, by which means the credit and currency of said bills was lost, and the possessors thereof utterly defrauded, to the great damage of many of his Majesty's good subjects; for remedy whereof, and to prevent such frauds and mischiefs for the future, the General Assembly of this his Majesty's Colony of Connecticutt was convened at Hartford, by special order of his Honour the Governour, on the 15th day of February last past, at which sessions it was declared, that the Newlondon Society for Trade and Commerce had no power given them to emit bills of credit, and thereupon said society, by act of said Assembly, was dissolved; and the General Assembly, at their sessions aforesaid, did further resolve, that in equity the said society ought to refund and pay back to the possessors of such bills so much in current money or bills of publick credit as by said society bills is mentioned and exprest:

And forasmuch as no penalty was then laid on any person or persons as should neglect to pay back to the possessors of such bills the sums aforesaid, nor any effectual way provided whereby the possessors of such bills might recover the said sums of the said mortgagers, or any one of them, and the said mortgagers have hitherto neglected and do still neglect to pay back to the possessors of such bills the sums aforesaid, or any part thereof, whereby his Majesty's good subjects that are the possessors of said bills still lye under the frauds and damages aforesaid, without relief, the aforesaid act of this Assembly in February last past notwithstanding:

For remedy whereof, and that right may be done to the

possessors of said bills, and to the said mortgagers, their several officers and receivers,

Be it enacted and declared by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said mortgagers, and every one of them, in equity are liable to pay back to the possessors of such bills in silver at sixteen shillings per ounce, or in current bills of the publick credit of this or the neighbouring governments, the sum or sums mentioned in such bills, unless the said mortgagers shall shew to the judges of the court of chancery, hereafter in this act constituted and appointed, that in equity such particular mortgager should pay no part of it, or a lesser part of it than is demanded, in which case the suit may be delayed till the judges can be informed in what manner best to give judgment according to equity between the parties.

And forasmuch as said mortgagers have sundry bonds, obligations, goods and merchandize, that they have received for said bills, which are lodged with their officers, committees or receivers, of which no account hath yet been rendred,

[133] *It is further enacted and declared*, That the || said mortgagers shall and are hereby enabled to meet together one time, (viz.) on the third Tuesday of June next, at such place as their late moderator Capt. Seymour shall appoint, which mortgagers, by their major vote, shall choose a moderator to lead them in that meeting, and likewise a clerk to enter their votes, and then shall proceed to settle their former accounts, reckonings and dealings, as far as they can: But forasmuch as said mortgagers by virtue of this act are only to meet but once, which meeting shall last not above three days, therefore, by their major vote as aforesaid, they are impowred to choose proper committees and give them instructions to call any of their former officers, committees, receivers, or other persons that are any ways indebted or accountable to them, to make up accounts and make payment of the sums that are due, and also to make sale and disposition of any wares, goods and merchandize of said mortgagers, and of the debts they shall receive, and also of the produce of the goods or merchandize to be disposed of by them, to pay to the possessors of their bills what is due in the best and most speedy manner; as also to sue before the court of chancery, in this act to be hereafter appointed, all such persons as are indebted or in arrears unto the said mortgagers and that will not account and make payment of the same.

And this Assembly do hereby erect and constitute a court of chancery or equity, to be holden in any of the counties of this his Majesty's Colony of Connecticutt, with full power to hear

and determine according to equity, and award execution thereon, all causes and controversies between the possessors of said bills and the mortgagers, as also between the mortgagers themselves, their officers, committees, debtors or receivers, respecting said bills or the doings of the said Newlondon Society, upon any suit between the parties; the process to be signed by one of the judges. And this Assembly do appoint Nathaniel Stanly, Ozias Pitkin, Timothy Pierce, John Burr, Samuel Lynde and Edmund Lewiss, Esq^{rs}, or any three of them to be a quorum, to be judges of the said court, who are to be commissionated by the Governour of this his Majesty's Colony accordingly, who are impowred to appoint the times and places for the holding said court as they shall think most convenient, as also to appoint their own clerk.

And that the said mortgagers may have convenient time for gathering in of their debts and sale of their effects, or any other lawful way to draw in all or as many of their bills as they well can, before they are sued by the possessors,

Be it further enacted, That no possessor or possessors of such bills shall be allowed to bring any action or actions against any such mortgager or mortgagers, within six months next after the rising of this Assembly.

Be it further enacted and declared, That if the said mortgagers, by their committees or otherwise, shall shew to the judges of the said court of equity to what sums they have formerly put off of their bills, and what sums they have drawn in, producing and lodging such bills with the clerk of the court, as also the particular sums the several mortgages were given for, and by such means inform the court how they may in equity lay the outstanding bills upon the particular mortgagers, according to their mortgages, one with another, the court shall make a record thereof, that it may be manifest to the possessors of the outstanding bills how much every particular mortgager is still in arrear of paying his whole proportion according to his mortgage; and the possessors of the outstanding bills are to take notice thereof, and bring their suits accordingly.

Be it further enacted, That in every action brought by the possessors of such bills, before the entring up judgment, the plaintiff shall produce the bills upon which he brings his suit, an entry whereof shall be made on record and the bills lodged with the clerk.

And that the said mortgagers may be the better enabled to draw in the said bills without suit, and to answer the judgments that shall be given against them in chancery,

Be it further enacted by the authority aforesaid, That the com-

mittee for signing the thirty thousand pounds bills of publick credit on this his Majesty's Colony, ordered to be stamped and signed by act of the General Assembly in February last past, shall deposit fifteen thousand pounds of said bills in the hands of the Treasurer of the Colony, taking his receipt for [134] the same, that said bills may be ready to be || lent out to any of said mortgagers, according as it is hereafter in this act provided.

And it is hereby further enacted, That Nathaniel Stanly, Esq^{r}, Capt. John Whiting and Capt. John Marsh, or any two of them, be appointed and impowred, and they, the said committee, or any two of them, are hereby appointed and fully impowred, to let out the said fifteen thousand pounds, or any part thereof, to any of the said mortgagers as shall desire the same and deliver into the hands of said committee of the bills hitherto emitted by said society the full sum that such mortgager shall borrow of the committtee in the bills of the publick credit on this Colony, and also make and deliver to said committee a deed of mortgage, well executed and recorded, of the land of such mortgager that is free from other claims and incumbrances; said land to be double in value to the sum to be borrowed. Which mortgages shall be made to the Governour and Company of his Majesty's English Colony of Connecticutt in New England in America, defeasible on condition of the mortgagers, or their heirs, executors or administrators, payment of such sums as shall be taken up, to the treasurer of this Colony for the time being, for the use of this Colony, at or before the first day of May, in the year of our Lord Christ one thousand seven hundred and forty-one, in the bills of this Colony, or in silver at twenty shillings per ounce, Troy weight. And the said committee are hereby ordered and instructed, to take special care that all lands tendred to be mortgaged as aforesaid, is at least double in value to the sum borrowed; and that the title is clear and the land free from incumbrance; and that they do not lend any of said bills to such mortgager under the sum of fifty pounds.

And be it further enacted, That for all sums borrowed as aforesaid, the borrower shall pay to the mortgagee after the rate of six *per centum*, *per annum*, interest, to be paid yearly into the publick treasury on or before the first day of May, and to be computed from the time the money is received. And the said committee are hereby further instructed and ordered, to take bonds with surety to their acceptance of such borrower for the payment of the interest accordingly.

And be it further enacted, That the said committee shall each of them take the following oath, (viz:)

You A. B. being appointed by an act made and passed in the General Assembly of the Colony of Connecticutt in May, 1733, to let out the bills of credit of said Colony, do swear by the name of God, that you will do therein, in all respects, according to the true intent and meaning of said act, by your best judgment: So help you God.

And it is further enacted, That the said committee shall lodge all deeds of mortgage they shall take with the secretary of the Colony for the time being, and also keep fair accounts of all their proceedings herein, ready to be rendred to the General Assembly when required. And all the society bills that shall be hereby brought into the hands of the said committee, or into the hands of the clerk of the chancery, shall be kept safely and delivered up to such persons as this Assembly shall appoint, to consume them in the flames. And this Assembly do hereby appoint his Honour the Governour of this Colony for the time being, with the Secretary, to execute to any such mortgager, or his heirs, a deed of release, under the seal of the corporation, of any such lands, mortgaged to the corporation as aforesaid, upon full payment of the sum for which said mortgage is given.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all the plates (in whosesoever care they may be) that the late Newlondon Society stamped their bills upon, shall forthwith be delivered to Capt. Joshua Hempstead of Newlondon, who shall by the first convenient opportunity send said plates to his Honour the Governour; and a copy of this order shall be delivered to Capt. Seymour, the late moderator of said society, and also to Mr. Coit, their late clerk; and if said plates be not forthwith delivered to said Hempstead, the Governour and Council are desired to take and use such methods to recover said plates as they think proper; and his Honour the Governour is desired to keep said plates in his care, until further order from this Assembly.

[135] An Act for the Loan of Bills of Credit.

Whereas the General Assembly of this his Majesty's Colony, at their sessions in February last, did order the sum of thirty thousand pounds in bills of credit on this Colony should be made and put out upon loan,

It is now enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the sum of fifteen thousand pounds of said bills shall be, by the committee appointed for signing said bills, put into the hands of the Treasurer; and by him delivered out

to such orders as he shall receive from the committees in this act impowred to draw the same.

And be it further enacted by the authority aforesaid, That Nathaniel Stanly, Esq^{r}, and Capt. John Marsh, of Hartford of the county of Hartford, and Joseph Whiting and Samuel Bishop, Esq^{rs}, of the county of Newhaven, and Messrs. Richard Christophers and John Richards, of the county of Newlondon, and John Burr and Edmund Lewiss, Esq^{rs}, of the county of Fairfield, and Timothy Pierce, Esq^{r}, and Mr. John Creery, of the county of Windham, are hereby appointed and fully impowred committees in their respective counties, to let out, each of them, the sum of three thousand pounds of said bills to such person or persons, freeholders in this Colony, as shall mortgage in lands lying within this government double in value to the sum such mortgager shall borrow; and that such mortgages shall be made to the Governour and Company of the English Colony of Connecticutt in New England in America, and redeemable at or before the first day of May which will be in the year of our Lord one thousand seven hundred and forty-one, to be made, executed and recorded at the cost of the borrower; and that the several towns in each of the respective counties shall have their share of said money in some proportion to the list of estates given in by said towns in the last year, which proportionable part shall be delivered to such of the inhabitants of said towns as shall make their application to the committees aforesaid therefor, before the session of this Assembly in October next; and the said committees are to be very careful and inform themselves well that the title to such land is clear, and the land double the value to the sum borrowed, and free from incumbrance; and upon the receipt of any such mortgage made to their acceptance, they are impowred to draw an order to the Treasurer to deliver to such mortgager the sum agreed to be lent, mentioning the same, which order endorsed by such mortgager shall discharge the Treasurer for such sum; and the said committees shall lend to no person more than the sum of one hundred pounds, nor under the sum of fifty pounds, and take sufficient bonds for the paying in the interest of the sum lent, annually, at six *per centum*, *per annum;* such bond to be made to the Governour and Company of his Majesties English Colony of Connecticutt in New England in America; and the mortgages and bonds aforesaid shall by the committees aforesaid be delivered to the Secretary, who shall enter an account of the same and lodge them with the Treasurer, to whom the payment shall be made; and the Honourable the Governour and the Secretary, for the time being, are impowred to release to

any mortgager or his heirs, under the seal of the Colony, any lands mortgaged for which the redemption money and the interest is paid in unto the Treasurer of this Colony, being certified thereof under the hand of the Treasurer. And each person that is appointed to be in the committees aforesaid shall take the following oath: You A. B. swear that you will carefully inform yourself that the title to the land offered to be mortgaged is good and clear, as also of the true value thereof, and that you will return the said mortgages and bonds received by you for the money you shall draw orders for to the Secretary of this Colony: So help you God.

This Assembly do establish and confirm Mr. John Starr to be Captain of the 2d or north company or trainband in the town of Danbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Starr to be Lieutenant of the 2d or north company or trainband in the town of Danbury, and order that he be commissioned accordingly.

[136] This Assembly do establish and confirm Mr. Daniel Eldridge to be Captain of the third company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Moses Fish to be Lieutenant of the 3d company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Burroughs to be Ensign of the third company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benadam Gallop to be Lieutenant of the second company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Bill to be Ensign of the first company or trainband in the town of Groton, and order that he be commissioned accordingly.

An Act for Repealing an Act entituled An Act against Firing the Woods, &c., and for Preventing Trespasses and Damages by setting Fires on Lands lying in Common or belonging to particular Persons.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That one act entituled An Act against firing the woods, &c., be repealed, and it is hereby repealed.

And, whereas, notwithstanding the setting fires on the unimproved lands in this Colony is very impoverishing to the soil, and destructive to the wood and timber growing on such lands, yet many such fires have been kindled and may hereafter be kindled, to the grievous damage of his Majesty's subjects: Which to prevent,

Be it further enacted, That every person or persons that shall, after the tenth day of August next coming, set fire on any lands in this Colony that shall run into any common and undivided lands, or town commons, or lands belonging to any particular person or persons, such person or persons setting such fire, or that shall be aiding and assisting therein, shall pay and satisfy to the owner or owners of the lands all damages that shall be done by such fires, to be recovered by action of trespass.

And, forasmuch as such fires are often set in such wilderness places and thickets where witnesses can't be expected to be had,

Be it further enacted, That when any person or persons are prosecuted for setting fire contrary to this act, the judge or court, before whom the tryal of such action is, shall proceed in the tryal by the same rules and evidence as is provided against trespassers, by an act entituled An Act for the more effectual detecting and punishing trespass; any law, usage or custom to the contrary notwithstanding.

And it is further provided, That nothing shall be construed from this act to prevent or hinder any town in this Colony from agreeing in their annual town meeting for setting fires in their own commons as formerly, in which case the inhabitants of the town so agreeing shall pay all damage that shall be done by such fires running and burning in any adjacent township.

To the Honourable the General Assembly of the Colony of Connecticutt, now convened:

We the subscribers, your Honours' committee appointed to consider, draw up and make report, what we think proper to be done in order to the disposal or dividing of the several townships laid out in the western lands, have considered thereof, and, with submission to your Honours, take leave to report our opinion thereon, as followeth, (viz:)

First, That an act be made and passed at this Assembly, granting all the monies which shall be raised by the sale of the seven towns, lately laid out in the western lands, to the towns of this Colony that are now settled, to be divided to them in proportion according to the list of their polls and

rateable estate in the year last past, and to be secured and forever improved for the use of the schools kept in said towns according to law.

2ly. That, in order to the selling and settling said townships, [137] a committee be chosen in each county, who shall ‖ enter the names of the persons who shall desire to be purchasers of said townships and settle the same under such regulations as this Assembly shall order, with the sum that each person shall offer to pay for a share in such township, there being fifty shares in each township, besides three shares that shall be set apart, one for the first minister that shall be there settled, to be conveyed to him in fee, one to be sequestred for the use of the present established ministry forever, and one for the use of the school or schools in such towns forever. And the committee in the county of Hartford shall take the subscriptions for the township number 1, being the northeastern town, and the northermost township on the west side Ousatunnuck; and the committee of the county of Newhaven shall take the subscriptions for the township number 2, being the southeast town, and the southern town on the west side said river; the committee of the county of Newlondon shall take the subscriptions for the township number 3, being the northwest town; the committee of the county of Fairfield shall take the subscriptions for the township number 4, being the middle town, bounded west by Ousatunnuck river; and the committee for the county of Windham shall take the subscriptions for the township number 5, being the lower or southern town, and is bounded westwardly by Ousatunnuck river. Which subscriptions, taken by the committees as aforesaid, shall be transmitted to the General Assembly at their sessions in October next. All which is submitted by,

James Wadsworth,	Andrew Burr,
William Throop,	Nath[l] Burnham,
Samuel Hill,	Samuel Willard.

Which report is by this Assembly accepted, allowed and approved.

In pursuance of an act of this Assembly concerning the seven townships lately laid out in the western lands,

This Assembly do appoint Nath[l] Stanly, Esq[r], and Capt. John Marsh, to take in subscriptions in the county of Hartford according to said act.

This Assembly do appoint Joseph Whiting, Esq[r], and Mr. John Prout, to take in subscriptions in the county of Newhaven according to said act.

This Assembly do appoint Capt. Joshua Hempstead and

Capt. Rich[d] Christophers, to take in subscriptions in the county of Newlondon according to said act.

This Assembly do appoint Mr. Andrew Burr and Mr. Samuel Burr, to take in subscriptions in the county of Fairfield according to said act.

This Assembly do appoint Mr. Richard Abbee and Mr. Jabez Huntington, to take in subscriptions in the county of Windham according to said act.

An Act for the Encouragement and better Supporting the Schools that by Law ought to be kept in the several Towns and Parishes in this Colony.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the seven towns lately laid out in the Western Lands, (as commonly called,) shall be disposed of and settled according to such time and regulations as this Assembly shall order; and that the money that shall be given by such as may be allowed to settle in said towns for the land there shall be improved for the support of the aforesaid schools, (viz:) those schools that ought to be kept in those towns that are now settled, and that did make and compute lists of their polls and rateable estate in the year last past; and such towns shall receive said money, every town according to the proportion of said list, and each parish to receive in proportion according to their own list given in as aforesaid the last year; all which money shall be let out, and the interest thereof improved for the support of the respective schools aforesaid forever, and to no other use; and the committee of each parish, or town (where there is but one parish,) shall receive the proportion of money arising as aforesaid, and give a receipt, (which receipts shall be delivered to the Secretary and kept in his office,) that they have received such a sum of money to be let out and improved for the support of a school in such town or parish where they are a committee as aforesaid. And that if at any time the said money, or interest thereof, shall be, by order of such town or parish, or the committee chosen by them, put to [138] or imployed for any other use than || for the support of a school there, that then such sum of money shall be returned into the treasury of the Colony, and the Treasurer of the Colony shall, upon refusal thereof, recover the same sum of such town or parish for the use of the Colony; and such town or parish that have misimproved such money shall forever lose the benefit thereof.

This Assembly observing that disputes do or may arise, whereby the partition of lands whereof there are many proprietors may be very much perplexed, for want of a fixed and

determinate period whereon the right and property of the said lands are changed from a common to a particular interest, by means of entries which may be made thereon, either by strangers or any of the proprietors in common, after an agreement to make partition and before the actual surveys are made and recorded in the several towns where the lands lie: Which inconveniences to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That partition of the lands aforesaid shall not be deemed and looked upon as perfect and compleat in the law till the surveys as aforesaid are actually made and recorded as aforesaid, and shall be esteemed as an estate in common and undivided in the hands of the proprietors.

This Assembly do order, That five thousand pounds of the thirty thousand that was by this Assembly in February last ordered to be stamped, shall be stamped on the small plate, and the remaining five thousand pounds not yet stamped to be taken off the great plate.

This Assembly do appoint his Honour the Governour, Nath[l] Stanly, Esq[r], Capt. Hezekiah Wyllys and Capt. William Pitkin, to sign the bills of credit that were by this Assembly in February last ordered to be stamped; any three of said gentlemen to be a committee for said service.

Upon the memorial of Hannah Gillett, of Colchester in the county of Hartford, administratrix on the estate of Aaron Gillett late of said Colchester deceas'd, shewing that the said deceas'd at his death was indebted the sum of £723 4*s*. 10*d*. more than his personal estate amounted to, thereupon praying for to be impowred to sell some of the said deceas'd's lands, to raise said sums and therewith to satisfy the creditors: This Assembly do appoint and fully impower the said Hannah Gillett and Jonathan Gillett of said Colchester, with the advice of the court of probate in said county, to sell to the highest bidder so much of the lands as belonged to the said deceas'd as will raise the sum of £723 4*s*. 10*d*. with the necessary charges of selling said lands; which sum the said administratrix shall pay to the said deceas'd's creditors, thereby to discharge said debts; and what lands the said persons shall sell as aforesaid, they are hereby fully enabled and impowred to give authentick deeds for the same to such as shall purchase such lands, and to their heirs and assigns forever.

Upon the memorial of Mr. John Dyer and Elisha Paine, jun[r], agents for the first society in Canterbury, shewing the great difficulties they labour under, respecting the building

their meeting house on the place stated therefor at the sessions of this Assembly in October last, and praying for relief: Resolved by this Assembly, that Capt. Daniel Brewster, Mr. John Brown and Capt. John Bulkley, be a committee to view their circumstances respecting a place for the building their meeting house, and make report to this Assembly in October next, at the cost of said society.

Upon the memorial of John Clark and Samuel Gillett, both of Colchester, praying this Assembly to allow them a short space of time wherein they may discharge themselves of their obligations to the government, for the payment of about the sum of £322 0*s.* 0*d.* being now due: Granted to the memorialists, that no action be brought against them on their said bond until the county court to be holden at Hartford in November next.

[139] This Assembly allows Capt. John Marsh and Ensign James Church the sum of twenty shillings out of the Colony treasury, for their care and trouble in repairing the state house in Hartford.

Upon the petition of Joseph Addams and Samuel Butt *vs.* Timothy Pierce, Esq^{r}, and John Creerey, agents for the proprietors of the common and undivided lands in the town of Plainfield, the question was put, whether the pleas offered in abatement thereof were sufficient to abate the same, and resolved by this Assembly in the affirmative. *Cost allowed respondents* 4*l.* 0*s.* 10*d.*

This Assembly grants to his Honour the Governour the sum of three hundred pounds in bills of credit, to be paid out of the Colony treasury, the one half at this time and the other half in October next.

Granted to his Honour the Deputy Governour, for his salary this current year, the sum of one hundred pounds bills of credit, to be paid out of the Colony treasury, the one half at this time and the other half in October next.

Granted to the Agent, Franciss Wilks, Esq^{r}, the sum of one hundred pounds bills of credit, to be paid out of the Colony treasury, for his salary this current year.

Granted to Mr. Timothy Green, the printer, the sum of twenty-five pounds, for his half years salary.

Whereas there is in the hands of the Treasurer the sum of three thousand two hundred ninety one pounds eight shillings and five pence half penny in good bills brought in by the rate granted in October, 1731, and lodged there for the further disposal of this Assembly:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said Treasurer be, and he is hereby, authorized and impowred to issue out and deliver the sum of one thousand two hundred ninety one pounds eight shillings and five pence half penny, out of the said bills, toward the payment of the debts and the necessary charges of this Colony, according to such orders as shall be given from time to time according to law.

This Assembly do resolve, That there shall be twenty thousand pounds in bills of credit on this Colony stamped, to be done on new plates but of the tenour of our former bills of credit; and his Honour the Governour and Nath[l] Stanly, Esq[r], are desired to procure the said plates, which are to be denominated and to be in number as our former plates are, but yet with suitable distinctions; and likewise to procure the said bills to be stamped, that this Assembly in October next may proceed to order them to be signed and emitted.

Jeremiah Ripley, jun[r], of Windham, being bro't before this Assembly for speaking reproachful and contemptuous words of his Honour the Governour and of Roger Wolcott, Esq[r], and upon his confessing himself in great measure guilty thereof, as appears by his confession lodged on the files, and evidence appearing to prove the rest to the satisfaction of this Assembly, that he is guilty of the same: It is thereupon resolved, that the said Jeremiah Ripley, jun[r], shall be disfranchized during the pleasure of this Assembly, and until they shall see cause to restore him to his freedom again; and that he give bond to the Treasurer of this Colony, to the value of one thousand pounds money, conditioned that he carry good behaviour towards his Honour the Governour and Roger Wolcott, Esq[r], and all other his Majesty's subjects, for the space of one year next coming, and pay the cost of his prosecution, and stand committed till the same be performed.

Whereas the business at this Assembly has drawn out their present sessions to such a length that all the members thereof can't, without great inconvenience, stay to hear the records read off and compleated: This Assembly do order and appoint Mathew Allyn, Roger Wolcott, John Hooker, Nath[l] Stanly, Ozias Pitkin, Esq[rs], Capt. William Pitkin, Capt. John Marsh, Capt. Thomas Stoughton, Capt. Henry Allyn, Capt. John Chester, and Mr. Nathaniel Burnham, a committee in the name of this Assembly, to attend his Honour the Governour, to hear the records of the acts of this Assembly read off, and

to see them perfected and then signed by the Secretary as compleat.

The whole record of the several acts, grants and orders of this Assembly, as they stand entered in the pages of this book next preceding, were read in the presence of the committee abovementioned, and by them ordered to be signed by the Secretary as perfect and compleat.

HEZ. WYLLYS, Secret^{ry}.

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[140] *CONNECTICUTT COLONY.*

AT A GENERAL ASSEMBLY HOLDEN AT NEW HAVEN IN HIS MAJESTY'S ENGLISH COLONY OF CONNECTICUTT, IN NEW ENGLAND, IN AMERICA, ON THURSDAY THE 11TH DAY OF OCTOBER, ANNO REGNI REGIS GEORGII, MAGNÆ BRITANNIÆ, &C. 2^{di}, 7mo, ANNOQUE DOMINI 1733.

Present,

The Honourable Joseph Talcott, Esq^{r}, Governour.
The Honourable Jonathan Law, Esq^{r}, Deputy Governour.

Samuel Eells,
Mathew Allyn,
Roger Wolcott,
James Wadsworth,
John Hooker,
Nathaniel Stanly,
} Esq^{rs},

Joseph Whiting,
Timothy Pierce,
John Burr,
Samuel Lynde,
Edmund Lewis,
} Esq^{rs}, *Assistants.*

Representatives or Deputies that were returned to attend at this Assembly are as follows, (viz:)

Mr. William Pitkin, Mr. John Marsh, for Hartford.
Mr. Andrew Burr, Mr. Samuel Burr, for Fairfield.
Mr. Richard Abbey, Mr. Jabez Huntington, for Windham.
Mr. Andrew Lord, Mr. Nathaniel Clark, for Saybrook.
Mr. Thomas Stoughton, Mr. Henry Allyn, for Windsor.
Mr. Samuel Pettibone, Mr. Samuel Pettibone, 2d, for Symsbury.
Mr. John Noyes, Mr. Increase Billings, for Stoningtown.
Mr. Theophilus Yale, Mr. Benjamin Hall, for Wallingford.
Mr. John Grigory, Mr. Thomas Benedict, for Danbury.
Mr. Joseph Minor, Mr. William Preston, for Woodbury.
Mr. Jeremiah Fitch, Mr. Peter Buell, for Coventry.
Mr. Henry Crane, Mr. Moses Parsons, for Durham.

Mr. Stephen Noble, Mr. William Gaylord, for New Milford.
Mr. John Dyer, Mr. Solomon Tracey, for Canterbury.
Mr. Ebenezer Mead, Mr. Nathan Smith, for Greenwich.
Mr. Ephraim Kingsbury, Mr. Daniel Lawrence, for Plainfield.
Mr. Jabez Hide, Mr. Joseph Tracey, for Norwich.
Mr. David Goodrich, Mr. John Chester, for Weathersfield.
Mr. Isaac Dickerman, Mr. Jonathan Allyn, for New Haven.
Mr. Daniel Coit, Mr. George Richards, for New London.
Mr. Joseph Platt, Mr. Samuel Hanford, for Norwalk.
Mr. John Russell, Mr. Daniel Barker, for Branford.
Mr. Hezekiah Gaylord, Mr. Samuel Palmer, for Hebron.
Mr. Roger Newton, Mr. Samuel Gunn, for Milford.
Mr. James Levinze, Mr. Simon Bryant, for Killingsly.
Mr. William Wadsworth, Mr. Josiah Hart, for Farmingtown.
Mr. George Phillipse, Mr. Jabez Hamlin, for Midletown.
Mr. Stephen Hopkins, Mr. Isaac Brunson, for Waterbury.
Mr. James Packer, Mr. Humphrey Avery, for Groton.
Mr. John Lane, Mr. David Buell, for Killingsworth.
Mr. Jedadiah Tracey, Mr. Mark Williams, for Preston.
Mr. John Perrey, Mr. Phillip Eastman, for Ashford.
Mr. James Brainard, for West Haddam.
Mr. Thomas Gates, for East Haddam.
Mr. John Riggs, Mr. Samuel Bassett, for Derbey.
Mr. John Bulkley, Mr. Israel Newton, for Colchester.
Mr. Thomas Wells, Mr. David Hubbard, for Glassenbury.
[141] Mr. Samuel Hill, Mr. Thomas Hodgskins, for Guilford.
Mr. William Throop, Mr. Ebenezer West, for Lebanon.
Mr. Jonathan Hoit, Mr. Jonathan Bates, for Stanford.
Mr. Joseph Judson, Mr. Abell Birdseye, for Stratford.
Mr. Richard Lord, Mr. John Griswould, for Lyme.

Mr. Roger Newton, Speaker, } of the House of Represent-
Mr. John Russell, Clerk, } atives.

This Assembly being informed that Mr. Secretary Wyllys is so indisposed that he cannot attend the business of this Court: Whereupon this Assembly do appoint George Wyllys of Hartford to be Secretary during the present sessions of this Assembly, and to make entry of all votes and acts of this Assembly proper for the secretary, and grant out copies when needful, and also to sign and seal commissions allowed by this Assembly; and at the end of this session to return the books of record and files that are brought to this place to Hartford, and into the secretary's office there from whence they were taken; and that his Honour the Governour administer an oath to him pursuant hereunto: which was accordingly done in the presence of the honourable the members of the Council.

This Assembly do establish and confirm Mr. James Judson to be Captain of the Troop in the county of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Moses Ward to be Lieutenant of the Troop in the county of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elnathan Peat to be Cornet of the Troop in the county of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Brinsmade to be Quarter-Master of the Troop in the county of Fairfield, and order that he [be] commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Cleveland to be Captain of the company or trainband consisting of part of the inhabitants of the towns of Canterbury, Pomfrett and Mortlake, and order that he [be] commissioned accordingly.

This Assembly do establish and confirm Mr. Jedadiah Tracy to be Ensign of the first company or trainband in the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Dimmuck to be Ensign of the company or trainband in the town of Mansfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Strickland to be Ensign of the company or trainband at the parish of Eastbury in the town of Glassenbury, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Simon Couch to be Ensign of the company or trainband at the west parish in the town of Fairfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Phillip Eastman to be Lieutenant of the company or trainband in the town of Ashford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Zachariah Bicknall to be Ensign of the company or trainband in the town of Ashford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Avery to be Captain of the first company or trainband in the town of Groton, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jasper Latham to be Lieutenant of the first company or trainband in the town of Groton, and order that he be commissioned accordingly.

[142] An Act in Addition to the Law of this Colony entituled An Act in Addition to the Law made May the 8th, 1712, entituled An Act in Addition to the Law entituled An Act directing how Rates and Taxes granted by the General Assembly shall be assessed and gathered in and for repealing every Clause in said Law concerning Inspectors.

Whereas it is provided in one certain paragraph in said act, that one-half of all sums arising upon fourfold assessments shall by the constable and other collectors of rates that shall be made upon such list be paid to the listers as a reward for their trouble, and no provision made how the listers shall recover the same of such constables and collectors, in case they neglect or refuse to pay the same:

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when any constable, collector or collectors of rates, shall neglect or refuse to make payment to the listers of any such sum or sums of money as is or shall become due from said constable or collector to the listers, on account of such fourfold assessments, it shall be lawful for such listers to make application to the next assistant or justice of the peace, who shall be, and is hereby, impowred to grant out a writ of *scire facias* for such constable or collector, to shew cause, if any he hath, why execution shall not be granted out against such constable or collector, for levying such sum or sums, with the necessary charges, out of such constable or collector's estate; and if such constable or collector shall not appear according to such *scire facias* before such assistant, justice of the peace, or county court, (according to the value of the action,) and shew sufficient cause why execution should not be granted out as aforesaid, it shall be in the power of such assistant, justice of the peace, or county court, to grant out execution directed to the sheriff of the county or his deputy, or constable of the town where such constable or collector dwells, to levy such sum or sums so neglected to be paid, with necessary charges arising thereon, out of such collector's estate, and pay the same to the listers.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That each town in this government shall, at their annual town meeting for the choice of officers, choose a Town Treasurer, who shall have power to receive all such moneys as shall become due unto said town, either by rates, assessments or otherwise. And it shall be the duty of such treasurer to pay and deliver out all such moneys according to the order of said town, or the selectmen of such town, from time to time, keeping a just account of such receipts and deliveries, and shall

account with such town or selectmen at least once a year. And the said treasurer shall call all collectors of town rates to account for such rates as shall be in such collectors hands; and if any such collector shall be in arrears any part of such rate on the month of November, said treasurer shall take out a warrant for distraining such arrears out of the estate of such collector. And such treasurer shall take the oath appointed for clerks of trainbands, &c.

An Act in Addition to a Law passed by this Assembly May, 1732, entituled An Act relating to Common Fields.

Whereas it is provided in said act that all enclosures abutting on the common line of fence shall bear half the fence: And whereas by such enclosures the proportion of fence [143] || in the common line belonging to the several proprietors of said common fields is rendered very uncertain, which is found to be a common mischief to the proprietors of said fields: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That wherever the common line of fence belonging to the said common fields has been, or hereafter shall be, settled and proportioned, agreeable to the votes and resolves of the proprietors of said fields, made in any of their meetings regulated according to law in that behalf provided, the settlement and proportion of said fence, so made, shall be held good until the proprietors of said fields in their meeting, by their votes regulated as aforesaid, conclude on a new settling and proportioning of said common line of fence.

An Act Limiting and Directing the County Surveyors respecting their Laying out Grants of Land in Towns.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whensoever the proprietors in any town shall refuse or neglect to choose persons to lay out any grant of land heretofore obtained from the town or proprietors of such town, since the year of our Lord 1720, and not yet laid out, or if such persons be chosen and do neglect the space of one year after, being desired, to lay out any of the lands aforesaid, by the person concerned, then, in such case, and in no other, the county surveyor of that county in which said town shall lye shall, if thereunto required, lay out any such grant, which laying out shall be good and valid to all intents and purposes, as if the committee chosen as aforesaid had laid out the same.

Upon the memorial of Lydia Johnson, widow of Ebenezer Johnson, late of Wallingford, deceas'd, and administratrix of

said deceas'd's estate, shewing to this Assembly that the debts, &c., due from said estate exceed the moveable estate the sum of £132 14*s.* 4*d.*, and thereupon praying that this Assembly would authorize and impower said administratrix to make sale of so much of the said deceas'd's real estate as to enable her to pay the debts aforesaid of £132 14*s.* 4*d.* that exceeds the moveables: This Assembly appoints and fully impowers said administratrix, Lydia Johnson, with Mr. Benjamin Hall of Wallingford, to make sale of so much of the real estate of said deceas'd, (with the advice of the court of probate in New Haven,) as will enable said administratrix to pay the said sum of £132 14*s.* 4*d.* aforesaid.

Whereas the Deputies of the town of Newlondon have represented to this Assembly that whereas this Assembly did, at their sessions in Hartford, May 14th, 1713, demise, quit claim and release unto Richard Christophers, Esq^{r}, Messrs. Jonathan Prentis, John Plumb, John Richards and James Rogers, jun^{r}, all of said Newlondon, and to their heirs forever, for the use of a publick latin school in said town, several pieces of land given by Mr. Robert Bartlett of said Newlondon for that end, and did also appoint the said Christophers, Prentiss, Plumb, Richards and Rogers, a committee to improve the said estate for the use aforesaid, since which time the said Richard Christophers, Esq^{r}, Mr. Jonathan Prentis, Mr. John Plumb, Mr. John Richards and Mr. James Rogers, jun^{r}, are dead, whereby great difficulty arises about improving the estate to the use aforesaid: And whereas this Assembly did, at their sessions in New Haven, October 8th, 1723, appoint Messrs. Christopher Christophers, Jonathan Prentis, John Pickett, Deacon William Douglass, and Deacon Timothy Green, all of New London, to sell six hundred acres of land formerly granted by said Assembly to the town of New London, and the money gained by said sale to be let out on good security, for and towards the support of a grammar school for the county of New London, and that they account with the town of New London for their management and application of said money, since which time the major part of them, (viz.) Christopher Christophers, Esq^{r}, Mr. Jonathan Prentis and Deacon William Doug-
[144] lass, are removed by death, whereby ‖ the survivors are rendered incapable to act in the business aforesaid: The said deputies moving to this Assembly that those vacancies might be filled with some suitable persons, whereby said committee might be capacitated to act from time to time in that affair: This Assembly do thereupon appoint Capt. Richard Douglass, Messrs. Richard Christophers and George Richards, all of New London, to joyn with the said Pickett and Green, for the man-

agement of both the aforementioned affairs, with full power to act therein as fully and amply, to all intents and purposes, as the aforesaid committees might or could have done if every particular member of them were now living; and whensoever any member of said committee shall be removed by death or otherways, the vacancy shall be supplied by the town of New-london, and to them shall the said committee be accountable, from time to time, for their management in said affair.

There being laid before this Assembly by the Honourable the Governour, an act of the government of the Province of the Massachusetts Bay for perambulating the divisional line between this Colony and the Massachusetts, confirmed in the year 1713, appointing William Dudly, Ebenezer Burrel, John Wainwright, William Brattle and John Chandler, Esq^{rs}, with such as this Assembly should appoint to joyn them, to perambulate and renew the said line: This Assembly do order and appoint Roger Wolcott, Esq^{r}, Mr. Jonathan Burnham, Mr. Roger Newbury and Mr. James Leavinze, or any three of them, to be a committee to perambulate the said line and renew the monuments therein; as also to agree with the committee of the Massachusetts upon time and place for their meeting: on condition that the Assembly of the Massachusetts make further provision that a lesser number may be sufficient in case any of the gentlemen appointed on their part should fail; and when they have performed said service, to make report thereof to this Court. And Mr. Secretary Wyllys is ordered to inform his Excellency the Governour of the Massachusetts of this act accordingly.

Ordered, That Nathaniel Stanly, Esq^{r}, and Coll. David Goodrich wait upon the Reverend Mr. Elisha Williams, rector of Yale college, and in the name of this Assembly desire of him a copy of the sermons he preached before them on the sabbath, being the 14th of October instant, in order that the same may be printed at the cost of this government.

The Gentlemen nominated by the Freemen of this Government to stand for Election in May next are as follows, (viz:)

The Honourable Joseph Talcott, Esq^{r}, the Honourable Jonathan Law, Esq^{r}, Samuel Eells, Mathew Allyn, Roger Wolcott, James Wadsworth, John Hooker, Nathaniel Stanly, Joseph Whiting, Ozias Pitkin, Timothy Pierce, John Burr, Samuel Lynde, Edmund Lewiss, Esq^{rs}, Mr. William Pitkin, Mr. Thomas Fitch, Mr. Ebenezer West, Mr. Roger Newton, Mr. Richard Christophers, and Mr. Samuel Hill.

This Assembly do establish and confirm Mr. Joseph Pitkin to be Lieutenant of the 3d company or trainband in the town of Hartford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Jonathan Hills of Hartford to be Ensign of the 3d company or trainband in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Waterbury to be Lieutenant of the 1st company or trainband in the town of Stanford, and order that he be commissioned accordingly.

[145] This Assembly do establish and confirm Mr. Daniel Weed to be Ensign of the 1st company or trainband in the town of Stanford, and that he be commissioned accordingly.

This Assembly do order and direct the Treasurer of this Colony, Mr. John Whiting, to attend the Assembly on Monday the 22d instant, and bring with him a sufficiency of the bills of credit on this Colony in his hands to defray the charges of this Assembly.

This Assembly do appoint Messrs. Humphrey Avery of Groton and Elisha Shelden of Lyme to be Surveyors of Lands in and for the county of New London.

On the memorial of Cornelius Merrey of Hartford: Granted by this Assembly, that the memorialist be released, and he is hereby freed and released, from paying any taxes for his head for the future.

A List of the Rateable Estate of the respective Towns in this Government.

	£	s.	d		£	s.	d.
Hartford,	31170	13	6	New Haven,	39303	9	2
Fairfield,	34862	10	11	New London,	21633	12	0
Windham,	14926	7	5	Waterbury,	7146	19	0
Coventry,	7630	10	3	Preston,	12795	3	9
Hebron,	8505	8	6	Haddam East,	11426	19	0
Norwich,	30340	11	0	Guilford,	22263	11	1
Killingsworth,	8356	2	8	Durham,	8158	2	6
Windsor,	25177	15	0	Milford,	23825	12	2
Stanford,	19261	18	10	Colchester,	13435	8	0
Norwalk,	22486	16	8	Derby,	6782	14	9
Ashford,	4951	11	0	Stratford,	29582	16	0
Glassenbury,	8666	14	6	Mansfield,	9217	0	0
Farmingtown,	21250	9	0	Weathersfield,	22988	7	3
Say-Brook,	14201	7	0	Plainfield,	8224	16	10
Killingly,	11748	0	0	Stoningtown,	21068	11	10
Woodbury,	10033	0	0	Lyme,	16200	14	6
Lebanon,	23803	1	0	Danbury,	9407	8	0
Pomfrett,	8975	0	0	Groton,	15088	19	0
Wallingford,	25859	11	2	Haddam West,	6701	16	0

Midletown,	25177	13	0	Greenwich,	12371	12	0
New Milford,	5425	3	4	Symsbury,	10667	2	0
Branford,	16879	15	11	Canterbury,	8663	0	9

Upon the motion made to this Assembly by his Honour the Governour, under his present circumstances, granted to him one hundred pounds in bills of credit out of the publick treasury.

On a report made by the Reverend Mr. Samuel Whitman of Farmingtown, relating to the Indians in said town: This Assembly do appoint Capt. William Wadsworth and Capt. Josiah Hart of said Farmingtown, to provide for the dieting of the Indian youth at four shillings per week for the time they attend the school in said town, until the sessions of the Assembly in May next, and that they make report thereof.

This Assembly do establish and confirm Mr. Elihu Hall of Wallingford to be Ensign of the east company or trainband in the town of Wallingford aforesaid, and order that he be commissioned accordingly.

Upon the memorial of William Williams, agent for the society made out of the north of Canterbury, south of Pomfrett and south part of Mortlake, he shewing this Assembly that more than two thirds of said society had voted to build [146] || a meeting house in said parish, and praying this Assembly to enable them to choose a lister in their annual meeting, for that part of Mortlake that is in their society: Whereupon it is resolved by this Assembly, that Messrs. Daniel Lawrence, Ephraim Kingsbury and John Creery, be a committee, at the cost of said society, to repair to them and appoint and fix a place for them to build their meeting house on, and to make report of their doings to the Assembly in May next. And it is further resolved by this Assembly, that the society aforesaid shall in their meeting for choosing society officers, choose a lister for that part of Mortlake that is in said society, who shall be sworn to a faithful discharge of his office as other listers in this government are; and that in case any of the inhabitants of said part of Mortlake shall be over-assessed, they for relief shall make application to the selectmen and authority in either of the towns of Pomfrett or Canterbury, and they hereby are impowred and directed to act and proceed as in such cases arising in their own towns, and their orders be equally binding when given in or upon any such application, as if the same had been given concerning any of their own town inhabitants; and the lister that shall be so chosen shall, in all things relating to his office, proceed as by law provided for other listers in this government.

Upon the petition of James Enno of Windsor, shewing to this Assembly that William Enno of Symsbury sued him by a writt, dated June 9th, 1731, before the adjourn'd county court holden at Hartford the third Tuesday of the same June, for the sum of fifty pounds by note of hand, and alledging that he lost the case in the tryal thereof in said county court by missing his plea, and prays for a rehearing of said case in the county court to be holden at Hartford first Tuesday of November next, and that he have liberty to amend his plea: Whereupon it is resolved, that the petitioner have liberty of another tryal at the said county court in November next, on this condition, that he first pay the cost of the former tryal, and also pay the cost of the said William on the said petition, which is allowed to be £2 10*s*. 0*d*., and that no costs be allowed on the final tryal but only the cost of that tryal; and the petitioner has liberty to mend his plea. *Ex. granted April 30th*, 1736.

Upon the memorial of the Trustees of Yale College: This Assembly grants, in addition to the standing allowance of one hundred pounds *per annum*, the sum of one hundred pounds for the year past, to be paid out of the publick treasury this instant October, and one hundred pounds to be paid in October next.

An Act for the more effectual Preventing the Selling Strong Drink to the Mohegan Indians.

Whereas Ben Uncass, Sachem of said Indians, has complained to this Assembly that, notwithstanding the laws now in force to prevent selling strong drink to the Indians, there is now continually much strong drink sold to the Mohegan Indians; by means whereof their estates are impoverished, their manners debauched, and themselves rendered more untractable to receive the Christian faith: For remedy whereof,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, and it is hereby enacted and declared, That all cyder, rhum and other strong drink, that shall hereafter (till this Assembly order otherwise) be found with any of the said Indians, without the allowance of Messrs. Adonijah Fitch and Abraham Avery, living in said Mohegan, shall be forfeited to our sovereign lord the King, the produce of it to be improved for the good of the Mohegan Indians. And the said Adonijah Fitch and Abra- [147] ham Avery, and each of them, are hereby appointed || and impowred to make search after such strong drink, and to seize and secure the same, and to libel against it as forfeit, before any assistant or justice of the peace, where the forfeiture is not above forty shillings, otherwise before the county court

in the county of New London. And the said Adonijah Fitch and Abraham Avery are hereby chosen and appointed Grand-jurors for the county of New London till this Assembly shall order otherwise, who shall be sworn accordingly; and they are directed especially to make diligent search after, and due presentment of, all breaches of the laws made to prevent the selling strong drink to the Indians.

And be it further enacted, That when any strong drink shall be seized as aforesaid in the custody of any of said Indians, if such Indian or Indians shall inform of whom he bought such drink, and give evidence thereof, so as such vender shall be convicted, such vender, besides the penalties already by law established for such offence, shall forfeit to such Indian twice the value of the drink seized as aforesaid, and the authority before whom such vender is convict shall give sentence accordingly.

This act to continue in force till the first day of May in the year 1735.

Upon the report of Messrs. Daniel Brewster, John Brown and John Bulkley, who were in May last appointed to view the circumstances respecting a place for the building of a meeting house in the first society in Canterbury, setting forth to this Assembly that they had pitched upon a place for the setting up said house on the green, at the distance of six feet to the southward of the place where the old meeting house stands: Resolved by this Assembly, that the meeting house in said society shall be set up at the abovesaid place, pitched upon by said Brewster, &c.; and the inhabitants of said society are hereby directed and ordered forthwith to proceed to set up and finish a meeting house at the above described place.

Upon the memorial of Noah Morehouse of Fairfield, administrator on the estate of Samuel Morehouse late of said Fairfield deceas'd, shewing to this Assembly that the debts due from the estate of said deceas'd do surmount the moveable estate the sum of thirty pounds seventeen shillings and two pence, and that there are some other debts challenged from said estate not yet particularly exhibited to the court of probate; and praying this Assembly that he may be impowred to sell so much of the real estate of the said deceas'd as may be sufficient for the payment of said debts: This Assembly grants liberty unto the memorialist and Mr. Richard Hubbell of Fairfield, with the advice of the court of probate in the district of Fairfield in the county of Fairfield, to sell so much of the land or real estate of said deceas'd as will discharge his debts and the charge that shall arise in disposing thereof.

This Assembly do establish and confirm Mr. Ebenezer Carter to be Lieutenant of the company or trainband at the parish of Canaan in the town of Norwalk and Stamford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ebenezer Seeley to be Ensign of the company or trainband at the parish of Canaan in the town of Norwalk, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Hall to be Captain of the company or trainband at the parish of New Cheshire in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Hitchcock to be Lieutenant of the company or trainband at the parish of New Cheshire in the town of Wallingford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elnathan Beach to be Ensign of the company or trainband at the parish of New Cheshire in the town of Wallingford, and order that he be commissioned accordingly.

[148] Upon the memorial of Benjamin Hickcock, Franciss Stiles, Andrew Hinman, Richard Brownson and Solomon Johnson, committee for Southberry, in Woodbury bounds, praying this Assembly to grant a land tax of one penny upon an acre for the space of four years on all the unimproved land within the bounds of said Southberry: Upon consideration whereof, this Assembly grants liberty and full power to the said society to levy a tax of one penny upon the acre for the space of four years from this date, upon all the unimproved lands within their bounds, and that the collectors of rates, from time to time chosen by said society, are hereby directed and fully impowred to collect and gather the same of the respective owners of the said land, according to each mans number of acres, for the space of four years as abovesaid.

Upon the memorial of Ebenezer West and William Throop, Esq^{rs}, agents for the town of Lebanon, shewing to this Assembly that the lands in said town consist of five distinct proprieties, and that the proprietors of the two largest proprieties have laid out highways in their proprieties, and the other proprietors have wholly neglected to provide any highways in their proprieties, either publick or private, and that they now want highways for themselves to travel in, to come into the highways that are laid out in the other proprieties, as also some publick highways, and would have the whole town purchase highways for them, and those that have given lands for

highways think that not to be right, from whence many difficulties have arisen, and many more likely to arise; praying this Assembly to appoint a committee to go to said town, and to hear and consider what method is proper by them to be taken for the laying out, paying for, and settling such highways as are or may be necessary in the several proprieties in said town, and to make report to the Assembly in May next, according to what they find is right to be done, that the Assembly may enact accordingly: Whereupon it is resolved, that Mathew Allyn, James Wadsworth and John Burr, Esq[rs], or any two of them, be a committee to repair to said town of Lebanon, (at the cost of said town,) to hear, consider of and report, as prayed for; and that a notification of the time and place of their meeting, as also the occasion thereof, be by the committee appointed by the town to appear before our said committee, and under their hands, set upon each of the sign posts that are used for the warning town meetings, and on those that are used for the warning of society meetings, at least ten days before the meeting of our said committee, that all parties may be duly notified of it, and be heard if they see cause.

This Assembly do establish and confirm Mr. Joseph Seward to [be] Ensign of the company or trainband in the town of Durham, and order that [he] be commissioned accordingly.

Upon the petition of Joseph Thompson of London, Esq[r], shewing that he is disturbed in his just rights at Killingly, which rights, as alledged by said Thompson's attorney, were confirmed by the commissioners that settled the line between this Colony and the Massachusetts, and likewise ratified by divers acts of this Assembly: Therefore, that this Assembly may be sufficiently informed respecting the several matters of fact set forth in said petition, and that the inhabitants of said Killingly may be reduced to their just rights in said town, and that said Thompson may enjoy his lands in said Killingly, this Assembly do appoint and fully impower James Wadsworth, Esq[r], Mr. Ebenezer West and Capt. William Troop, to be a [149] committee to repair to said town and ‖ hear all parties concerned in the affairs mentioned in said petition, and to settle the whole affair by composition if it may be gained: but if the said committee be disappointed therein, then to give their opinion what other acts may be proper to be past by this Assembly, in order to quiet said Thompson in his farm in said town; or whether it may be better to remove said farm, or part thereof, into the more northerly part of said Killingsly; and to make their return to this Assembly in May next, to which time the further hearing of said petition is referred. The charges of the committee to be borne by the petitioner.

This Assembly grants a rate of one penny half penny on the pound on all the polls and rateable estate within this government, to be paid into the publick treasury in the bills of credit of this Colony, with the usual advance of twelve pence on the pound, or in true bills of credit of four signers of the Massachusetts Bay, or in true bills of credit of New York, without advance on them, or in silver money as it passeth in the country.

This Assembly do appoint Mr. Benjamin Hall of Wallingford to be a Justice of the Peace in and for the county of New Haven.

This Assembly grants to the several judges of the respective county courts, in addition to their fees already stated, two shillings *per diem* while they attend the said courts, to be paid out of the respective county treasuries.

This Assembly grants to the several justices of the respective county courts, in addition to their fees already stated, two shillings *per diem* while they attend said courts, to be paid out of the respective county treasuries.

Upon the memorial of the inhabitants of the town of Danbury, praying for the reimbursing of £15 8*s*. 6*d*. expended in the support of a poor indigent female and her child last February and March, together with the costs expended in endeavouring to get the same: Resolved by this Assembly, that the Treasurer of this Colony pay to the said memorialists the sum of £15 8*s*. 6*d*. for the matters aforesaid.

Upon the memorial of Jonathan Bebee, Samuel Olmstead, jun^{r}, and Thomas Clark, in behalf of themselves and the rest of the inhabitants of the easterly part of East Haddam, praying to be a society distinct by themselves and to have the privileges allowed to them that are usually granted to other societies: Granted by this Assembly to the memorialists, to be a society and to have the privileges as prayed for, and that the bounds of said parish shall be as follows, (viz:) on the west, a line running from the mouth of the brook that runs into the southern end of the pond near to John Bates's, and from thence extending southerly till said line strike the middle of the line that divides between the town of Lyme and said East Haddam, then with a line beginning at the place where the brook runs out of said pond, thence running by said brook to the bridge called Moodus bridge, and from said bridge a north line to Colchester bounds; bounded easterly, partly on Colchester and partly on Lyme; northerly, on part of Colchester; and southerly, on Lyme; and that said parish shall be called by the name of Millington.

This Assembly observing that some difficulty has arisen in understanding one certain clause in an act entituled An Act for the making and emitting bills of publick credit, made in the eighth year of the reign of Queen Anne, in the third paragraph thereof, (viz:) "in all publick payments at the advance of twelve pence on the pound," whereon doubts have arisen, whether the allowance of five *per centum* should be allowed on the payment of the said bills into the publick treasury by any other way or means besides the publick taxes: Which to remove,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said five *per centum*, or twelve pence advance upon the pound, on the payment of the bills of this Colony into the [150] || publick treasury, shall be allowed in no other publick payments than that which is paid in by publick taxes on the people; and the Treasurer of the Colony, and all receivers of any publick dues, are to take notice hereof and conform themselves accordingly.

Upon the memorial of John Benjamin of Stratford, ferryman, praying this Assembly that the fare of Stratford ferry may be advanced: This Assembly grants one penny in addition to the fare of said ferry for man, horse and load, only, for the future.

Upon the memorial of Nathaniel Fuller, of Ashford in the county of Windham, representing to this Assembly the misfortune he hath met with by being surety for a friend, thereby disenabling him of paying the money due from said Fuller to this government, and praying for two years forbearance of the payment of said money: This Assembly grants him the liberty of two years payment yet coming; provided he give sufficient bond with surety or sureties to the Governour and Company, to the acceptance of Mr. Joseph Fowler, for the sum contained in the condition of said bond, with the lawful use, or so much thereof as shall become justly due according to the articles of agreement made with Messrs. Hall and Brainerd deceas'd, to be paid into the Colony treasury at or before the end of two years from this time.

Whereas Josiah Conant, John Perry and John Huntington, a committee appointed by this Assembly in May last to fix the place for setting the meeting house in Willington, have now reported, that they have fixed the place for the setting said meeting house on the north side of the road called Major Wolcott's road, where they have set a stake and marked a black oak staddle, which standeth on the highest part of Saw-

ins Plain, abouthalf a mile east of Mr. Fuller's house: This Assembly do thereupon establish that place for the setting said meeting house, and order the inhabitants to proceed to build the same accordingly.

Whereas this Assembly did in May last appoint Nathaniel Stanly, Esq^{r}, Capt. John Whiting and Capt. John Marsh, to be a committee, or any two of them, to transact in the affair of letting out fifteen thousand pounds to the mortgagers of the late New London Society for Trade, in order to call in the said society's bills, and did also order that all the said society bills that should thereby be brought into the hands of the said committee should by them be kept safely and delivered up to such persons as this Assembly should appoint to consume them in the flames: And whereas Nathaniel Stanly, Esq^{r}, has informed this Assembly that he has received of the said bills the sum of nine thousand five hundred seven pounds eleven shillings and eight pence, and has carefully preserved the same: This Court do now order that the said Nathaniel Stanly, Esq^{r}, Capt. John Whiting and Capt. John Marsh, or any two of them, do forthwith carefully burn and consume the said bills and all other of the said society bills which shall be brought in, and keep a true account of all they shall do by virtue of this order, and render a true account thereof to this Assembly in May next.

Upon the memorial of Abraham Waterhouse of Say-Brook, setting forth that judgment is gone against him for £300, on a bail bond given to Ebenezer Dimon, sheriff of the county of Fairfield, before the county court held at New London in June last, whereby he became obliged to have one Joseph Waterhouse before the superiour court, to answer for counterfeiting bills of credit, and fail'd thereof; praying for some abatement [151] of the said sum: ‖ This Assembly do grant that, in case the memorialist shall, within one year after the rising of this Assembly, pay, instead thereof, one hundred and fifty pounds, and the lawful interest from this date, to the treasurer of this Colony, and satisfy the said sheriff for his cost, that the said Waterhouse shall be discharged from the said judgment, and also the said sheriff shall be acquitted from the judgment given by the superiour court against him for £300 on the occasion aforementioned. And it is ordered hereby, that the said Waterhouse lodge the treasurer's receipt for the money paid to him with the secretary of the Colony.

This Assembly do appoint his Honour the Governour, Nathaniel Stanly, Esq^{r}, Hez. Wyllys and William Pitkin, Esq^{rs}, to be a committee for signing the twenty thousand pounds of

bills of the new impression, who shall deliver the same to the Treasurer and shall take his receipt therefor.

And this Assembly grants liberty to Joseph Whiting, Esq^{r}, to receive the sum of one thousand pounds of the bills aforesaid; provided he execute a good mortgage deed of land, double in value to the sum he shall receive, and bonds for the payment of the lawful interest arising on such sum annually, which deed and bonds shall be made to the Governour and Company of this Colony, and to their successors; provided also he draw said sum out of the treasury by the first day of May next.*

And upon consideration of the memorial of Messrs. Joseph Fowler and Jabez Huntington and company, praying for the loan of £1500, to enable them to prosecute a design they have of procuring masts, &c. for his Majesty's royal navy: Granted by this Assembly, that said Fowler, Huntington, and such of their company as belong to this government, may receive out of the publick treasury the sum of one thousand pounds of the bills aforesaid; provided they give security in lands lying in this government double in value to the sum to be by them received, and bonds for the lawful interest thereof, the deeds whereof and bonds shall be of the tenour of the deeds and bonds abovementioned; provided also they draw said bills out of the treasury by the first day of May next.

And this Assembly do hereby order and enact, That the remainder of said twenty thousand pounds shall be divided into the several counties within this Colony, to each of them a part, in proportion to their publick list bro't in to this Assembly. And the committees appointed in the several counties for loaning out the fifteen thousand pounds emitted in May last, are hereby fully impowred to let out said twenty thousand pounds, taking security as above exprest. And the persons who shall be appointed by the committees aforesaid to apprize the land tendered to be mortgaged shall be freeholders and persons of known credit, and shall be put under oath to apprize the same according to the true and just value thereof in money, according to their best judgment and conscience. And the bonds and deeds taken in the form aforesaid shall be by the committee delivered to the secretary, who shall enter them and deliver them to the treasurer. And the said mortgages shall be redeemable only by the bills of this Colony, or silver money at 20*s.* per ounce troy weight, or in gold equivalent thereto, at or before the first day of May which will be in

* He applied for the loan in order to enable him to prosecute the discovery of copper mines. *Industry*, I. 303.

the year of our Lord 1742. And the charge that shall arise in loaning out said bills shall be defrayed by the persons who shall receive the same.

And it is further enacted, That the inhabitants in the several towns in the respective counties shall receive of the committee aforesaid of the bills aforesaid in some measure proportionable to the lists of estate in such towns given in to this Assembly at this time.

And it is further provided, That no person shall be allowed to receive out of the treasury more than the sum of £100, nor less than the sum of fifty pounds of said bills.

[152] This Assembly do appoint Mr. Thomas Prentice of New London to be a Justice of the Peace in and for the county of New London.

This Assembly grants to Mr. Secretary Wyllys ten pounds for his salary this current year.

This Assembly grants to the printer, Mr. Timothy Green, printer, twenty-five pounds for his half years salary.

This Assembly being informed that some persons of evil fame in this government having been surprized killing and dressing sheep, swine, &c., have used means to conceal the marks, thereby giving just cause to suspect them of having feloniously taken the same: Which to prevent for the future,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whensoever any person shall be found killing or dressing any cattle, sheep, or swine, and shall wilfully deface any of the marks, whether natural or artificial, designedly to conceal the same, or shall refuse to expose them to the view of any one credible person when requested thereto, it shall be the duty of the constables and grandjurors in the town where such creature shall be so killed and concealed as aforesaid, upon credible information thereof, to make presentment thereof to some court, assistant, or justice of the peace, who may cause such suspected person to be brought before him or them, and if upon examination such suspected person shall not shew to the satisfaction of such authority that he did not kill such creature (and wilfully deface or conceal the marks thereof as aforesaid,) or that he had good right so to do, he shall be adjudged guilty of feloniously taking the same, and shall pay to the treasurer of the town where such offence is committed treble the value of such creature so killed, beside such fine as the said court, assistant or justice shall order, not exceeding forty shillings, or be publickly whipp'd, not exceeding fifteen stripes.

And it is further enacted, That if any person shall within one year after such conviction make it appear to the satisfaction of the said authority that he was the true and lawful owner of such creature so killed, he shall receive of said treasurer the threefold damages adjudged as aforesaid.

Granted by this Assembly, That Capt. William Throop of Lebanon receive out of the Colony treasury the sum of three pounds in bills of credit, for his extraordinary expence (by reason of indisposition) in returning from the sessions of this Assembly in October last, of which he was a member.

Cost allowed by this Assembly to Jacob Patchen, to answer the petition [of] John Belden, which was by him withdrawn, is £1 0*s*. 10*d*.

The whole record of the several acts, grants and orders of this Assembly, as they stand entered in the pages of this book next preceding, were read in the presence of both Houses, and by them ordered to be signed by the Secretary as compleat.

GEORGE WYLLYS, Secret^{y}.

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[153] *CONNECTICUTT COLONY.*

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTY'S ENGLISH COLONY OF CONNECTICUTT, IN NEW ENGLAND, IN AMERICA, ON THE NINTH DAY OF MAY, IN THE 7TH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE 2D, OF GREAT BRITAIN, &C., KING, &C., ANNOQUE DOM. 1734.

Present,

The Honourable Joseph Talcott, Esq^{r}, Governour.
The Honourable Jonathan Law, Esq^{r}, Deputy Governour.

Samuel Eells,	John Burr,	
Roger Wolcott,	Samuel Lynde,	
James Wadsworth,	Edmund Lewiss,	Esq^{rs}, *Assistants*.
Nath^{l} Stanly,	William Pitkin,	
Joseph Whiting,	Thomas Fitch,	
Timothy Pierce,		

Representatives or Deputies that were return'd to attend at this Assembly, are as follows, (viz:)

Mr. William Pitkin, Mr. John Marsh, for Hartford.
Mr. Richard Christophers, Mr. Daniel Coit, for Newlondon.
Mr. Richard Abbey, Mr. Jabez Huntington, for Windham.
Mr. Joseph Strong, Mr. Jeremiah Fitch, for Coventry.

Mr. David Goodrich, Mr. John Chester, for Weathersfield.
Mr. Ebenezer Mead, Mr. Nathaniel Peck, for Greenwich.
Mr. Samuel Hill, Mr. Thomas Hotchkiss, for Guilford.
Mr. Stephen Noble, Mr. John Bostwick, for New Milford.
Mr. Anthony Judd, Mr. Josiah Hart, for Farmingtown.
Mr. Stephen Hopkins, Mr. Joseph Lewiss, for Waterbury.
Mr. Joseph Leavinz, Mr. Joseph Cadey, for Killingly.
Mr. Ephraim Kingsbury, Mr. William Marsh, for Plainfield.
Mr. Samuel Willard, Mr. Nathaniel Clark, for Saybrook.
Mr. Hezekiah Huntington, Mr. Joseph Kingsbury, junr, for Norwich.
Mr. James Brainerd, for West Haddam.
Mr. Experience Porter, Mr. Josiah Conant, for Mansfield.
Mr. Philip Eastman, Mr. Samuel Snow, for Ashford.
Mr. Roger Newton, Mr. John Fowler, for Millford.
Mr. James Case, Mr. John Humphreys, for Symsbury.
Mr. Isaac Dickerman, Mr. Jonathan Alling, for New Haven.
Mr. Samuel Burr, Mr. Ebenezer Silliman, for Fairfield.
Mr. Henry Crane, Mr. Elihu Chauncey, for Durham.
Mr. James Beebee, Mr. John Starr, for Danbury.
Mr. Theophilus Yale, Mr. Benjamin Hall, for Wallingford.
Mr. John Brown, Mr. Hezekiah Parke, for Preston.
Mr. William Throop, Mr. Ebenezer West, for Lebanon.
Mr. John Russell, Mr. Samuel Maltbie, for Branford.
Mr. John Noyce, Mr. Increase Billings, for Stoningtown.
Mr. Ephraim Curtiss, Mr. Joseph Booth, for Stratford.
Mr. John Curtiss, Mr. Ephraim Minor, for Woodbury.
Mr. John Riggs, Mr. Timothy Russell, for Derby.
Mr. David Buell, Mr. John Lane, for Killingsworth.
Mr. Daniel Eldridge, Mr. Humphrey Avery, for Groton.
Mr. Daniel Brainerd, for East Haddam.
Mr. Joseph Addams, Mr. Jabez Fitch, for Canterbury.
Mr. John Sabin, Mr. Leicester Grosvenour, for Pomfrett.
Mr. John Griswould, Mr. John Lee, for Lyme.
Mr. John Marvin, Mr. Joseph Birchard, for Norwalk.
[154] Mr. Jonathan Hoit, for Stanford.
Mr. George Phillipse, Mr. Jabez Hamlin, for Midletown.
Mr. John Bulkley, Mr. Israel Newton, for Colchester.
Mr. Thomas Wells, for Glassenbury.
Mr. Samuel Mather, Mr. Henry Allyn, for Windsor.
Mr. Joseph Phelps, Mr. Hezekiah Gaylord, for Hebron.

Mr. Roger Newton, Speaker,* } of the House of Represent-
Mr. John Russell, Clerk, } atives.

* Capt. William Pitkin was chosen Speaker at the organization of the House, but, he having been elected an Assistant and taken his seat in the Upper House, Capt. Roger Newton was chosen Speaker on the 11th of May.

This day being appointed by charter and the laws of this Colony for the Election of the publick officers of this corporation, (viz^{t},) the Governour, Deputy Governour, Assistants, Treasurer, and Secretary, proclamation being made, the freemen proceeded to give in their votes to persons chosen by the Governour, Council and Representatives, to receive, sort and count them.

The persons so chosen and appointed were, James Wadsworth, Nathaniel Stanly, Timothy Pierce, John Burr, Samuel Lynde, Edmund Lewiss, Esq^{rs}, Mr. John Marsh, Mr. David Goodrich, Mr. John Riggs, Mr. Isaac Dickerman, Mr. Ebenezer Silliman, Mr. Ephraim Curtiss, Mr. Nathaniel Clark, Mr. Daniel Coit, Mr. Richard Abbey, and Mr. Josiah Conant. And the freemens votes being bro't in, sorted and counted,

The Honourable Joseph Talcott, Esq^{r}, was chosen Governour of this Colony for the year ensuing, and the Governour's oath and the oath required by act of Parliament, relating to trade and navigation, were administred to him in the presence of this Assembly.

The Hon^{ble} Jonathan Law, Esq^{r}, was chosen Deputy Governour of this Colony for the year ensuing, and the Deputy Governour's oath was administred to him in the presence of this Assembly.

Samuel Eells, Esq^{r}, Roger Wolcott, Esq^{r}, James Wadsworth, Esq^{r}, Nathaniel Stanly, Esq^{r}, Joseph Whiting, Esq^{r}, Ozias Pitkin, Esq^{r}, Timothy Pierce, Esq^{r}, John Burr, Esq^{r}, Samuel Lynde, Esq^{r}, Edmund Lewiss, Esq^{r}, William Pitkin, Esq^{r}, Thomas Fitch, Esq^{r}, were chosen Assistants of this Colony for the year ensuing; and the assistant's oath was administred to Samuel Eells, James Wadsworth, Nathaniel Stanly, Joseph Whiting, Timothy Pierce, John Burr, Samuel Lynde, Edmund Lewiss, and William Pitkin, Esq^{rs}, in the presence of this Assembly.

Mr. John Whiting was chosen Treasurer of this Colony for the year ensuing.

Mr. Hezekiah Wyllys was chosen Secretary of this Colony for the year ensuing, and was accordingly sworn to that office and trust in the presence of this Assembly.

This Assembly do appoint the Honourable Jonathan Law, Esq^{r}, to be Chief Judge of the Superiour Courts of this Colony for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^{r}, Roger Wolcott, Esq^{r}, James Wadsworth, Esq^{r}, Joseph Whiting, Esq^{r}, to be Judges of the Superiour Courts in this Colony for the year ensuing.

This Assembly do appoint Ozias Pitkin, Esq^{r}, to be Judge of the County Courts in the county of Hartford for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^{r}, to be Judge of the County Courts in the county of New Haven for the year ensuing.

This Assembly do appoint Samuel Lynde, Esq^{r}, to be Judge of the County Court in the county of Newlondon for the year ensuing.

This Assembly do appoint John Burr, Esq^{r}, to be Judge of the County Court in the county of Fairfield for the year ensuing.

[155] This Assembly do appoint Timothy Pierce, Esq^{r}, to be Judge of the County Court in the county of Windham for the year ensuing.

This Assembly do appoint the Honourable Joseph Talcott, Esq^{r}, to be Judge of the Courts of Probate in the district of Hartford for the year ensuing.

This Assembly do appoint Joseph Whiting, Esq^{r}, to be Judge of the Court of Probate in the district of New Haven for the year ensuing.

This Assembly do appoint Mr. Joshua Hempstead to be Judge of the Court of Probate in the district of New London for the year ensuing.

This Assembly do appoint John Burr, Esq^{r}, to be Judge of the Court of Probate in the district of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^{r}, to be Judge of the Court of Probate in the district of Windham for the year ensuing.

This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate in the district of Guilford for the year ensuing.

This Assembly do appoint Mr. Jonathan Hoit to be Judge of the Court of Probate in the district of Stanford for the year ensuing.

This Assembly do appoint Mr. Joseph Minor to be Judge of the Court of Probate in the district of Woodbury for the year ensuing.

This Assembly do appoint Samuel Mather, David Goodrich, William Wadsworth and John Marsh, Esq^{rs}, to be Justices of the Peace and Quorum in the county of Hartford for the year ensuing.

This Assembly do appoint Mathew Allyn, Esq^r, John Hooker, Esq^r, Hezekiah Wyllys, John Chester, Giles Hall, Jabez Hamlin, Joseph White, James Wells, John Bulkley, Nathaniel Foot, Thomas Wells, John Huntington, John Buell, Henry Allyn, and Samuel Olmstead, Esq^rs, to be Justices of the Peace in and for the county of Hartford for the year ensuing.

This Assembly do appoint Samuel Bishopp, James Hooker, John Riggs, Roger Newton, and John Russell, Esq^rs, to be Justices of the Peace and Quorum in and for the county of New Haven for the year ensuing.

This Assembly do appoint Capt. Thomas Judd, Capt. Andrew Ward, Capt. Theophilus Yale, Capt. Janna Meiggs, Capt. Samuel Gunn, Capt. Henry Crane, Mr. Samuel Hall, Capt. Rosewell Saltonstall, Mr. John Bostwick, Capt. Benjamin Hall, Capt. Timothy Hopkins, Capt. Samuel Hill, and Mr. Roger Brunson, to be Justices of the Peace in and for the county of New Haven for the year ensuing.

This Assembly do appoint Daniel Palmer, John Brown, Joseph Backus, Abram Pierson, and Joshua Hempstead, Esq^rs, to be Justices of the Peace and Quorum in and for the county of Newlondon for the year ensuing.

This Assembly do appoint Messrs. Jabez Hide, James Morgan, Samuel Willard, William Hide, Joseph Blake, John Griswould, Thomas Lee, Richard Lord, John Cook, Richard Christophers, James Perkins, Christopher Avery 2d, Joseph Minor, Thomas Prentiss, David Buell, Nathaniel Clark, Hezekiah Park, and John Mason, to be Justices of the Peace in and for the county of Newlondon for the year ensuing.

This Assembly do appoint Joseph Platt, Joseph Minor, Andrew Burr, John Thompson and Jonathan Hoit, Esq^rs, to be Justices of the Peace and Quorum in the county of Fairfield for the year ensuing.

This Assembly do appoint Messrs. John Grigory, Samuel Couch, Moses Dimon, John Copp, William Preston, Thomas Bennett, Thomas Tousey, James Beebee, Ephraim Curtiss, John Gold, James Benedict, John Read, Ebenezer Mead, jun^r, Nath^l Peck, Benjamin Heacock, Samuel Hoit, and Ebenezer Silliman, to be Justices of the Peace in and for the county of Fairfield for the year ensuing.

This Assembly do appoint Joseph Addams, Ebenezer West, Richard Abbey, and William Throop, Esq^rs, to be Justices of the Peace and Quorum in and for the county of Windham for the year ensuing.

This Assembly do appoint Messrs Joshua Ripley, Joseph

Strong, John Woodward, Joseph Leavinz, Peter Buell, Leices-
[156] ter Grosvenour, Philip Eastman, Joseph || Cadey, junr, Josiah Conant, and Jonathan Huntington, to be Justices of the Peace in and for the county of Windham for the year ensuing.

This Assembly do appoint Nathaniel Stanly, Esqr, to be Judge of the County Court in the county of Hartford for the year ensuing.

This Assembly do appoint James Wadsworth, Esqr, and Capt. Henry Crane, to return the thanks of this Assembly to the Reverend Mr. Nathaniel Chauncey for his sermon preached before the Assembly on the 9th of May instant, and desire that he give a copy thereof that it may be printed.

This Assembly do appoint Joseph Whiting, Samuel Lynde, Esqrs, Mr. Thomas Wells, Mr. John Fowler, Mr. John Griswould, and Mr. Ephraim Curtiss, to audit the Colony's accounts with the Treasurer.

This Assembly do establish and confirm Mr. George Dibble to be Captain of the company or trainband at the parish of Standwich in the town of , and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Briggs to be Lieutenant of the company or trainband in the parish of Standwich in the town of , and order that he be commissioned accordingly.

This Assembly do establish Mr. Timothy Conklin to be Ensign of the company or trainband at the parish of Standwich in the town of , and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Pelatiah Mills of Windsor to be Lieutenant of the southwest military company or trainband in the town of Windsor aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Loomiss to be Ensign of the southwest military company or trainband in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Throop, junr, to be Quarter-Master of the Troop in the county of Windham, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Styles to be Ensign of the 2d company or trainband in the town of Windsor aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Richard

Brownson of Woodbury to be Ensign of the south company or trainband in the town of Woodbury aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Talmage to be Lieutenant of the Troop in the county of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Holt to be Cornet of the Troop in the county of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Woodruff to be Captain of the second company or trainband in the town of Farmingtown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Newell to be Lieutenant of the second company or trainband in the town of Farmingtown aforesaid, and that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Steel to be Ensign of the 2d company or trainband in the town of Farmingtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jonathan Dunham to be Captain of the western company or trainband in the 3d society in Colchester, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jabez Crippin to be Lieutenant of the western company or trainband in the 3d society in Colchester, and order that he be commissioned accordingly.

[157] This Assembly do establish and confirm Mr. Thomas Gates to be Ensign of the western company or trainband in the 3d society in Colchester, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Langton to be Ensign of the company or trainband at the parish of Kensington, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Henry Champion to be Captain of the south company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Denison to be Ensign of the south company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Edmund Lewiss, Esq^{r}, to be Captain of the first company or trainband in the

town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Robert Wells to be Ensign of the first company or trainband in the town of Stratford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Skidmore to be Lieutenant of the company or trainband in the town of Newtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ephraim Peck to be Ensign of the company or trainband in the town of Newtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Holmes, junr, to be Captain of the company or trainband at the parish of New Salem, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Pelatiah Bliss to be Lieutenant of the company or trainband in the parish of New Salem, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Rogers to be Ensign of the company or trainband at the parish of New Salem, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Burr to be Captain of the company or trainband at the parish of Stratfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Ephraim Hubbell to be Lieutenant of the company or trainband in the parish of Stratfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. David Sherman of the parish of Stratfield to be Ensign of the company in the parish aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Mather to be Captain of the first company or trainband in the town of Lyme, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Nathaniel Matson to be Lieutenant of the first company or trainband in the town of Lyme, and order that he be commissioned.

This Assembly do establish and confirm Mr. Joseph Gates to be Captain of the 1st company or trainband in the town of Preston, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Forbes to be Lieutenant of the 1st company or trainband in the town of Preston, and order that he be commissioned accordingly.

Upon the memorial of George Hubbard, administrator to the will annexed of Samuel Porter, late of Farmingtown, deceas'd, setting forth that said administrator had answered the said deceas'd's debts so far as his moveable estate would go, and that there remained of said debts still unpaid the sum of forty-two pounds fourteen shillings and eleven pence, and no moveables to pay the same, therefore praying for liberty to sell so much of the lands that belonged to the said deceas'd as will raise said sum: This Assembly do grant liberty and fully impower said Hubbard, taking the approbation of the court of probate in the county of Hartford, to sell so much of the said lands as will pay the said debts; always provided the said Hubbard shall not proceed if the heirs that claim said lands will, within three months next after the rising of this Assembly, discharge the debts aforesaid.

[158] Upon the memorial of the inhabitants of the northern part of the town of Killingsworth, praying that a committee may be appointed to view the circumstances of said inhabitants, and if they think them to be of ability to be a distinct society, that then the said committee would affix a line for the southern bounds of the same, and return their doings to this Assembly as soon as the work shall be finished: Which prayer this Assembly grants, and do appoint Messrs. James Wadsworth and Samuel Lynde, Esq[rs], and Capt. Samuel Hill, a committee to view the circumstances of said memorialists, and if they think them of ability to be a distinct society to affix a line for the southern bounds of said society, and make return of their doings to this Assembly as soon as said work shall be finished.

John Osbourn of Fairfield, administrator on the estate of Joseph Osbourn late of Fairfield, deceas'd, shewing to this Court that the debts due from said estate surmount the moveables the sum of twenty-eight pounds twelve shillings and nine pence, and praying this Assembly for liberty to sell so much of the land of the above deceas'd as will pay the aforesaid sum of twenty-eight pounds twelve shillings and nine pence and the charge of selling: This Assembly do grant unto the said John Osbourn liberty to sell so much of the lands of the said deceas'd as will pay the aforesaid sum of twenty-eight pounds twelve shillings and nine pence and the charge, with the advice of the court of probates in Fairfield.

Upon the memorial of the inhabitants of the west part of the first society in Norwich, praying to this Assembly to appoint a committee, at their own cost and charge, to come and consider their circumstances and view the situation of their

dwellings, and to set out bounds and limits for a society if they think proper, and to make report to this Assembly in October next, that they may be set off to be a distinct society with power to act by themselves in all matters relating to a society: This Assembly grants the prayer in said memorial, and accordingly appoint Messrs. Richard Abbey, Experience Porter, and Ebenezer Gray, to be the committee accordingly.

Upon the memorial of W^m^ Williams, agent for the society in the north of Canterbury and south of Pomfrett, &c., praying this Assembly to confirm the place pitch'd on for the building a meeting house in said society by Messrs. Dan^l^ Lawrence, Ephraim Kingsbury, John Crery, who were appointed by this Assembly at their sessions in October last for that purpose; and also that they may imbody into church state, and have liberty to ordain an orthodox minister of the gospel among them: Resolved by this Assembly, that they have liberty, having first obtained the approbation of their neighbouring churches, to imbody themselves in church estate and settle and ordain an orthodox minister of the gospel among them, according to the rules of the gospel; and that the place for the building their meeting house, for the worship of God in said society, be at the tree marked by said committee, on the plain, about thirty rods eastward of the dwelling house of Sam^l^ Spaulding in said society, and that said society proceed to build thereon.

Upon the memorial of Abraham Randall of Greenwich, administrator on the estate of Jacob Randall, late of said Greenwich, deceas'd, shewing to this Assembly that there is sixty pounds seventeen shillings and one penny half penny in debts due from the estate of the said deceas'd more than the whole of the value of the moveable estate of the said deceas'd at inventory price amounts to, and therefore prays that this Assembly would grant to him power to sell so much of the land of the said deceas'd as to enable him to pay the said debts: This Assembly do therefore authorize and impower him, the said Abraham Randall, taking the direction of the court of probates in the district of Stanford, to sell so much of the lands of the [159] said deceas'd as to raise the said sum of sixty || pounds seventeen shillings and one penny half penny, together with the necessary charges of selling the said lands, and to make and execute lawful deed or deeds thereof to the person or persons purchasing the same.

Upon the memorial of Jeremiah Ripley, jun^r^, of Windham, praying this Assembly to discharge him from the sentence passed upon him by the General Assembly holden at Hartford

in May last: This Assembly do now discharge him from the bonds then laid on him and his surety, and do also restore him to the rights and privileges of a freeman of this corporation.

Ordered by this Assembly, That there be paid out of the Colony treasury the sum of twenty-four pounds sixteen shillings and three pence unto Capt. William Wadsworth and Capt. Josiah Hart of Farmingtown, for their dieting the Indian lads in the time of their schooling the last winter.

Upon the memorial of George Griswould and Jonathan Parsons, in behalf of the Nehantick Indians in Lyme, setting forth that said Indians seem to be prejudiced against receiving the gospel, upon the account of some wrong done to them by the English, as is supposed by said Indians, praying relief: This Assembly do appoint and impower Messrs. James Wadsworth, Esq^{r}, Messrs. John Griswould and Thomas Lee, to be a committee to inquire into the wrongs complained of by said Indians; and the said committee are to take all prudent care that the said Indians be quieted in their just rights to their lands at said Nahantick, their bounds well established and fixed; and what said committee shall do in reference to the premises they shall report to this Assembly in October next.

This Assembly do establish and confirm Mr. Jacob Williams to be Captain of the company or trainband in the parish of Stepney in Weathersfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Gideon Goodrich to be Lieutenant of the company or trainband in the parish of Stepney in Weathersfield, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Belden to be Ensign of the company or trainband at the parish of Stepney in Weathersfield, and order that he be commissioned accordingly.

Upon the petition of Joseph Park, of Plainfield in the county of Windham, against Samuel Bennett, of Preston in New London county, shewing to this Assembly that the said Bennett sued him at the adjourn'd county court in Newlondon in February last, in his action of the case on a note of hand, demanding ten pounds damages, by his writ dated January 30th, 173$\frac{3}{4}$, in which case judgment was rendered against the petitioner on a general demurrer to the declaration, from which judgment the said Park designed to have reviewed to June court, but by a mistake the review was not entered, as by said petition appears; praying this Assembly to grant him

liberty to enter his review at the county court in June next, as he might have done if he had entered it in said adjourn'd court: Whereupon it is resolved by this Assembly, that the said Park have liberty to enter the said case at the county court to be holden at New London in June next, by way of review, and to prosecute the same from court to court, as he might have done if he had entered in his review in the said February court, and that the cost of the whole suit follow the final tryal, exclusive of the cost of the aforesaid petition.

Ordered by this Assembly, That the bond made by Nathaniel Fuller, Aaron and Moses Fuller, to the Governour and Company of this Colony, conditioned for the payment [of] £205 5*s.* 6*d.* and dated December 14th, 1733; as also one other bond made to the said Governour and Company by Linsford [160] Morey and Jedadiah Strong, || conditioned for the payment of thirty-six pounds seventeen shillings and five pence, and dated January 12th, 173$\frac{3}{4}$, be lodged in the secretary's office till further order from this Assembly; and that the receipts which Mr. Joseph Fowler hath given to the secretary, of a bond under the hand of Nathaniel Fuller and Mathew Thompson, payable to Hez^{h} Brainerd and John Hall, Esq^{rs}, be underwritten by the secretary with a full discharge thereof.

Upon the prayer of the inhabitants of Durham, shewing that the said inhabitants by their vote in town meeting in December last, in which vote there were more than three quarters of the said inhabitants present and qualified for voting, had declared it was needful to build a new meeting house; and also that the said inhabitants had unitedly agreed upon a place for the setting up said house, northerly of the school house upon the meeting house green in said Durham, where the said inhabitants had laid a heap of stones; praying this Assembly to enact and order that the said house should be set up at said place: This Assembly do accordingly enact and order, that the said place, so agreed upon, shall be the place where the said house shall be set, and the said inhabitants are hereby directed and ordered to erect and set up their meeting house in said place.

Upon the memorial of Joseph Cornish of Symsbury, administrator on the estate of Benjamin Cornish late of Symsbury deceas'd, praying for liberty to make sale of the land of the said deceas'd for the payment of the debts due from said estate: This Assembly do authorize and impower the said Joseph Cornish to make sale of so much of the land of the said deceas'd as shall be sufficient to pay the sum of £25 8*s.* 10*d.* with the charges thereupon arising, for the payment of

the debts of the said deceas'd, taking the direction of the court of probate in the district of Hartford in the affair.

An Act to enable such Inhabitants or Towns and Societies as have obtained or hereafter shall obtain Liberty of the General Assembly to procure the Preaching of the Gospel amongst themselves for certain Months in the Year separated from the established Place of Worship in such Towns or Societies to grant Taxes or Rates for the Payment of the Minister who shall preach to them during such Months.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all such precincts, or inhabitants of towns or societies, as have or hereafter shall have liberty from this Assembly to procure the gospel preach'd among them for any number of months in the year, separate from the town or society to which the said inhabitants do belong, shall and may, when and so often as there may be occasion, meet together at such place and according to the nôtice thereof to be given them at least five days before such meeting by their committee, or for want of such committee by one of the principal inhabitants; and the said inhabitants thus met and convened are hereby fully impowred, by their major vote, to grant and lay such rates and taxes on the said inhabitants, for the advancing such sum or sums of money as shall be needful for the support of the minister whom they shall so hire to preach with them for such time, and for other necessary charges arising amongst them, and to appoint a collector or collectors for the gathering thereof, who are hereby ordered and impowred to proceed in collecting the same according to the direction of the law in society collectors; and such collector or collectors shall, upon failing to perform that trust, be proceeded against according to the law respecting society collectors.

And it is hereby further enacted, That the aforesaid inhabitants shall be and are hereby enabled to chuse a clerk to enter their votes, and a committee of three or more discreet and able men of the inhabitants aforesaid, to order the prudential affairs of the said inhabitants for the end aforesaid.

[161] Upon the memorial of Elizabeth Badcock of Windham, executrix on the last will and testament of John Badcock late of said Windham, deceas'd, shewing to this Assembly that there is seventy-one pounds eleven shillings and six pence in debts due from the estate of the said deceas'd more than the whole of the value of moveable or personal estate of said deceas'd amounts to; and therefore prays that this Assembly would authorize and impower some suitable person to sell so much of the land of the said deceas'd as to raise the said sum: This Assembly do therefore authorize and impower her, the said

Elizabeth Badcock, by the direction of the court of probate in the county of Windham, to sell so much of the lands of the said deceas'd as to raise the said sum of seventy-one pounds eleven shillings and six pence with the necessary charges of selling the same, and to make and execute lawful deed or deeds of sale thereof.

Abigail Fairweather, executrix of the last will and testament of Joseph Fairweather, late of Fairfield, deceas'd, shewing to this Court that the debts due from the said estate surmounts the moveables the sum of eighty pounds seven shillings and eleven pence, and praying this Assembly for liberty to sell so much of the land as will pay the aforesaid sum of eighty pounds seven shillings and eleven pence: This Court grants liberty unto the said Abigail Fairweather to sell so much of the land of the said deceas'd as will pay the aforesaid sum of eighty pounds eleven shillings and eleven pence with the charges thereof, with the advice of the court of probate in Fairfield.

Upon the petition of Thomas Levingsworth against Robert Wheeler, shewing to this Assembly that said Wheeler brought his action against him by his writ dated January the 2d, $173\frac{2}{3}$, demanding the moiety of a certain tract of land in Ripton, containing about twenty-five acres, to the adjourn'd county court holden at Fairfield 2d Tuesday of January, $173\frac{2}{3}$, and had its final tryal at the superiour court holden at Fairfield in February, $173\frac{3}{4}$, praying that this Assembly would reverse and set aside the judgment of said superiour court, and give the petitioner liberty to have another tryal of said case in the superiour court to be holden at Fairfield in August next, for the reasons assigned: Whereupon it is resolved by this Assembly, that the petitioner shall have liberty to try the said case again at the superiour court in Fairfield in August next, as prayed for, and that only the cost after the rising of this Assembly follow the tryal.

An Act for the Encouragement of the raising of Silk in this Colony.

This Assembly observing and being well assured that good silk may be here made, and that by proper improvements a sufficiency thereof may be raised and produced amongst ourselves, whereby industry may be promoted and the wealth of this government in time much increased; and considering that the beginnings of things beneficial and profitable are attended generally with difficulty and charge, which use and experience may remove, abate, and render easy and profitable,

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be paid out of the publick treasury

of this Colony, as a premium for the raising silk, that is to say, for every ounce of good sewing silk one shilling and six pence; for every pair of silk stockings weighing four ounces, and so *pro rato*, seven shillings and six pence; for every yard of silk stuff, one shilling, and for every yard whereof the warp is all silk, two shillings and three pence; for every yard of silk half yard wide, weighing less than one ounce, three shillings and nine pence; for every yard weighing one ounce and less than two ounces, six shillings; for every yard weighing two ounces or more, nine shillings; all to be well wrought. Which premium shall be paid on an order obtained of the county court on the publick treasury aforesaid, to be given by the court in the county where the person dwelleth that shall produce the said silk and shew to the satisfaction of the said court that it is (*bona fide*) the growth and product of the silk-worm bred and nourished in this Colony, and that no premium hath been before taken or allowed for the same, or any part thereof.

This act to continue of force for the space of ten years, and no longer.*

[162] Upon the memorial of Thomas Marks of Midletown, administrator on the estate of John Tobee late of said Midletown, deceased, shewing this Assembly there is £742 8*s*. 8*d*. of debts due from the said deceased more than the whole of the personal estate of said deceased amounts to, praying this Assembly to impower him, or some other meet person, to make sale of so much of the lands and real estate of said deceased as may be sufficient for the payment of the said debts: This Assembly do grant that the memorialist, with the assistance of Mr. Jabez Hamlin of said Midletown in the county of Hartford, have liberty, and the said memorialist and the said Hamlin are hereby fully authorized and impowered, to make sale of so much of the lands and real estate of said deceased, according to the direction and advice of the court of probate in said county, as shall be necessary for the payment of the aforesaid debts of the said deceased to the sum of seven hundred forty and two pounds eight shillings and eight pence aforesaid, with the necessary charges arising on such sale.

Upon the memorial of the inhabitants of the west parish in the town of New Haven, shewing to this Assembly that they have settled two ministers of the gospel in their said society who, both of them, one after the other, sometime after their settling with them, so far dissented from the principles of the churches in New England as to account their ordination void, and so resigned their pastoral care of them, so that they are

* Two attempts to revive this act, after its expiration, were defeated by the Lower House. *Industry*, I., 73, 76.

now left destitute, having no gospel minister; and being a small society, and much impoverished by the settling the aforesaid ministers who have deserted them, they are not able to settle another of their own means; and therefore praying this Assembly to relieve them under their poor and low circumstances: It is therefore resolved by this Assembly, that if the inhabitants of the said society do call and settle among them an orthodox minister of the gospel, that is to say, one who shall be approved of by the elders of the neighbouring churches, that then the sum of two hundred pounds shall be drawn out of the publick treasury and be improved towards the said minister's settlement.

Upon the memorial of John Griswould and John Lee, both of Lyme in the county of New London, agents in behalf of the town of Lyme, representing to this Assembly that a highway was by the county court of New London, held at New London on the fourth Tuesday of November last, ordered to be laid out from New London to Colchester through Paugwonk, praying that all proceedings thereon may be staid till the county court to be held at New London in June next, and that the said court do not accept any return of the laying out said highway till they may have opportunity to make their objections therein: Resolved by this Assembly, that all proceedings about laying out said highway, or the said county court's accepting of any return of the laying out of said highway, be stayed till after the sessions of said county court in June next, to be held at New London aforesaid, where the town of Lyme, by their agents, may have opportunity to be heard in the premises.

Upon the memorial of Linsford Morey of Lebanon, shewing to this Assembly that he hath purchased of Mathew Thompson a parcel of land near Stafford, which he, said Thompson, [163] purchased of Hez^{h} Brainerd and John Hall, Esq^{rs}, || a committee appointed by the Assembly, and that there is adjoyning to the east side thereof a tract of land belonging to this government, praying this Assembly that a committee be appointed to survey and sell the land so adjoyning to his land to him: Resolved by this Assembly, that Messrs. Josiah Conant and Richard Abbey be a committee, and that they make a survey of said adjoyning lands; and if they can sell it for what they judge it is worth, that then they dispose of it to the said memorialist or any other person, the said memorialist to have the offer of it, he being at the charge of said committee's going to and surveying the same; and if they take security of said memorialist, or any other, for the payment of any sum therefor, to take the same with sufficient surety.

Additions to the Lists of Estate of the several Towns hereafter mentioned, sent in to this Assembly, (viz^{t}.)

	Addition. £	s.	d.	*Fourfold assessment.* £	s.	d.
To Hartford,	36	0	0	225	0	0
To Branford,	114	13	6			
To Glassenbury,	183	13	0			
To Symsbury,	1122	18	0			
To Coventry,	3	0	0	59	0	0
To Farmingtown,	334	17	0			
To Weathersfield,	412	18	3	973	12	0
To Windsor,	1001	19	0	1035	14	0
To Woodbury,	195	0	0	22	0	0
To Milford,	233	2	11			
To Norwich,	536	12	6	331	0	0
To Killingsworth,	308	6	6	194	6	0
To Fairfield,	294	7	7	262	10	0
To Haddam West,	304	4	2	45	0	0
To Pomfrett,	525	0	0			
To Plainfield,	5	12	6	12	0	0
To Windham,	296	8	1			
To New Haven,	804	5	9	304	0	0
To Stratford,	379	12	0	40	0	0
To Saybrook,	172	3	0			
To Derby,	40	2	6			
To Preston,	123	9	0			
To Canterbury,	58	0	6			
To Guilford,	316	7	9	1024	16	0
To Lyme,	581	12	0			
To Hebron,	102	2	0			
To Greenwich,	669	11	0			
To Stoningtown,	967	2	2			
To Groton,	239	13	9			
To Norwalk,	240	9	0			
To Midletown,	487	9	0			

Whereas there hath been a long controversy respecting some highways laid out, or to be laid out, for some people living in Farmingtown which have been annexed to Newington parish, for their attending the publick worship in said Newington, whereupon this Assembly did, in their sessions in October last, enact that a committee should be appointed to consider of said affair, &c.; and now some of the inhabitants of Weathersfield, living at a place commonly called Beckley's, that have been annexed to Kensington, have prayed to be discharged from said Kensington and put to Newington aforesaid; and [164] the ‖ aforesaid persons that belonged to Farmingtown

and have been annexed to said Newington have also prayed this Assembly to be released from said Newington and joyned again to the first society in Farmingtown: Upon consideration of the abovementioned affairs, this Assembly, hoping that if there could be some alterations in the lines of said parishes without confusion it might put an end to the unhappy controversy about said highways, do therefore appoint Capt. John Marsh, Capt. John Whiting and Mr. James Church, all of Hartford, to be a committee to repair to the abovementioned parishes, and hear all parties, and endeavour an accommodation of the differences that have happened in reference to the said lines of parishes and said highways. And if said committee cannot gain an accommodation by changing the bounds of one or more of said parishes, then they shall view the said highways and parts adjacent, and pitch upon the place or places best to lay them in. And the said committee shall indifferently, according to their best discretion, view and consider the whole affair, and make report of the whole matter to this Assembly in October next.

Upon the memorial of Peter Mills and others, inhabitants of the southwest part of Windsor in the county of Hartford known by the name of Messenger's Farms, praying the liberty of having and maintaining an orthodox preacher of the gospel amongst themselves, &c., five months in the year, &c., for the reasons assigned in the memorial: Granted by this Assembly, that the said inhabitants have liberty of having and maintaining an orthodox preacher of the gospel amongst them five months in the year, (viz.) from the 1st of November to the last of March, yearly; and that whilst they are so at the cost and expence of maintaining the preaching of the gospel amongst them they shall be exempted and discharged from paying any tax or rate towards the maintenance of the preaching the gospel in the old or first society in said Windsor.

This Assembly do appoint Capt. John Bissell to be Justice of the Peace for the county of Hartford for the year ensuing.

This Assembly do establish and confirm Mr. Daniel Blodgett to be Captain of the company or trainband in the town of Stafford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Warner of Stafford to be Lieutenant of the company or trainband in the town of Stafford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Pierce to be Ensign of the company or trainband in the town of Stafford aforesaid, and order that he be commissioned accordingly.

Upon the memorial of Jared Elliot, Elisha Williams, Martin Kellogg, Robert Walker, junr, Philip Livingstone, John Ashley, and Ezekiel Ashley, wherein the said memorialists pray that this Assembly would grant unto them, the said memorialists, a patent of an hundred acres of land lying west of Ousatunnuck river near a large pond known to the Indians by the name of Wonokopoiko pond, which said hundred acres of land was surveyed and laid out by Jonathan Burnham, surveyour of lands for the county of Hartford, unto John Pell and Ezekiel Ashley, as is set forth in the survey of said Jonathan Burnham, dated October the 27th, 1731: It is resolved, that the memorialists have a patent as prayed for; provided they shew to the acceptance of the Governour and Secretary that the right to the remainder of the said hundred acres of land (which is not yet made out) is well vested in the said Philip Livingstone by lawful conveyance, before the said patent be executed.

An Act for Limiting of Actions.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, [165] That whosoever shall neglect to bring ‖ his action on any bond, bill or note under hand, which shall be executed at any time after the first day of June next after the opening of this Court, for the payment of any sum or sums of money, not having any other condition therein, and shall neglect to sue for and recover the same within the space of seventeen years next after an action for the same shall accrue, shall forever be debarred and secluded from their action.

And all bonds, bills and notes of hand, that are now outstanding, or shall be on the first of June next, given only for the payment of money as aforesaid, shall be put in suit within the space of seventeen years as aforesaid; and whosoever shall neglect to sue out the same within the time limited as aforesaid, shall be forever barred of his action; excepting only those bonds or bills which were payable fifteen years before this date, on which an action may be brought within the space of two years next after the rising of this Court, provided the space of twenty-one years since they were payable be not already elapsed. Provided nevertheless, that persons over sea, or legally unable to bring their actions, may bring their actions for their debts aforementioned any time within the space of four years after their coming from over sea or are legally capable to bring an action, notwithstanding the time limited as aforesaid be expired.

And it is hereby enacted, That no action of trespass, or of the case for slander and defamation, shall be brought but

within three years after the matter of fact was committed or transacted.

Upon the memorial of Joseph Phelps, Joseph Case, Samuel Humphreys 2d, Joseph Case, jun^{r}, Samuel Pettibone and others, subscribers, shewing unto this Assembly the necessity that there is of a bridge across the river in Symsbury, where the highway crosses the river at Weatoage, and praying of this Assembly liberty to build a bridge, and that it may be a toll bridge, &c.: This Assembly do grant unto the said memorialists, with so many others as shall joyn and be at cost with them, the free liberty of building a bridge across the said river at the place aforesaid, and that the said bridge shall be a toll bridge, and that all persons that shall cross the said river on the said bridge shall pay toll unto the proprietors thereof, except persons that shall cross on said bridge to go to or from the publick worship of God on the sabbath or at other times, and scholars going to or from school, who shall go toll free; and that the toll of said bridge shall be one penny for each single person, two pence for horse and load, and for each team four pence; the said bridge to continue to be a toll bridge for the term of ten years next coming, and no longer, except further liberty shall be granted therefor by this Assembly.

Upon the memorial of Benjamin Hutchinson, of Windsor, and Anne his wife, shewing to this Assembly that the house in which they lived, with their books of accounts, &c., were lately consumed with fire, &c.; praying that this Assembly would enable the memorialists to recover such of their debts due by book accounts as they can remember, &c., as by their memorial appears: Resolved by this Assembly, that in all actions that shall be brought by the said Benjamin Hutchinson against any person or persons whomsoever for the recovery of any such debt or debts due to him by the books and accounts which were so burnt, the oath of the said Benjamin and Anne, or either of them, of the truth of such account or accounts as they do remember, shall be taken and received in any court or courts before whom the tryal of such action or actions shall be, as full evidence and proof of the articles of such account or accounts and debts, and be accordingly receiv'd by such court, or a jury if the same shall be tryed by a jury; unless the defendant in such case shall make it appear to the satisfaction of the court before whom the tryal is brought, that the said Hutchinson or his wife are mistaken in their remembrance of such accounts, &c., or that he hath paid the same in whole or in part.

[166] Upon the memorial of Sarah Bigelow and Joseph

Bigelow, both of Hartford, executors of the last will and testament of Joseph Bigelow, late of Hartford aforesaid, deceas'd, shewing to this Assembly that there are in debts due from the said deceas'd the sum of £196 1*s*. 3*d*. ½*ob*. more than the whole of the personal estate of the said deceas'd amounts to; praying this Assembly to grant the memorialists liberty to sell so much of the real estate of said deceas'd as shall be sufficient to pay the said sum and incident charges of sale, &c.: Resolved by this Assembly, that the said executors have liberty, and hereby are fully authorized and impowred, at the direction of the court of probate in the county of Hartford, to sell so much of the lands of said deceas'd as shall be necessary to pay the aforesaid sum of £196 1*s*. 3*d*. ½*ob*., and the necessary charges of such sale.

This Assembly appoint James Church of Hartford to be Door-keeper of the Court House in Hartford; who is authorized and impowred to take care of the said house, to secure the doors and windows, and prevent the abuses and misimprovements thereof by all persons whatsoever, that it may be secured for the publick uses for which it was built; for which service he shall receive the sum of three pounds annually, two-thirds out of the Colony treasury and one-third part out of the treasury of the county of Hartford.

Upon the prayer of Daniel Jackson, formerly of Newtown in the county of Fairfield, but now residing at Dover in the Province of New York, shewing to this Assembly that he had purchased two pieces of land, the one of Samuel Orviss containing three hundred acres, and the other purchased of said Orviss and Jonathan Bird containing one hundred acres, the whole containing four hundred acres, which land lyeth on the west side of Ousatunnuck river, near to the line of partition between the Province of New York and Colony of Connecticutt, and praying the liberty of having a patent for the aforesaid pieces of land, &c.: This Assembly grants liberty to the said Daniel Jackson to have a patent for the aforesaid four hundred acres of land, and that the same be executed by the Honourable the Governour and Secretary, in due form of law.

Upon the memorial of Eleazer Hubbell and John Merrick, and the rest of the inhabitants of the town of Wellington, shewing to this Assembly that one Reuben Goff, an idiot, the son of Solomon Goff, who was transiently in said Wellington with his wife and the said Reuben, and after some time settled in said town, the said Reuben being an infant, and the said inhabitants not then being vested with town privileges and so could not accept or reject the said Solomon or his family as

to their settling in said town, and the said Solomon being very poor and not able to support the said idiot, the said idiot being no way capable to act in any respect as a rational creature, and the said town of Wellington hath been at great charge and cost in supporting the said child, and the town of Wellington not able to bear the charge did obtain a brief of his Honour the Governour and Council, by which they obtained thirty pounds, and yet said child is like to be a continual charge to them; and therefore under their poor and low circumstances they pray for some further relief: It is resolved by this Assembly, that when the said inhabitants shall make it appear to the satisfaction of Nathaniel Stanly of Hartford, Esq^{r}, that the money collected by the brief be expended, that then, by the order of the said Nathaniel Stanly to the Treasurer of this Colony, there shall be paid out of the publick treasury of this Colony to the agent or agents of the said town of Willington, the sum of six shillings per week, to be paid quarterly, which shall be improved to support the said idiot, during the pleasure of this Assembly.

[167] Whereas this Assembly have emitted sundry sums in bills of credit, upon loan, to retrieve some persons from the difficulties they were fallen under, yet divers of the said persons have not paid the interest due for the same: Now, for the more effectual collecting and gathering in the said interest into the publick treasury,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the Colony Treasurer, for the time being, shall, and he is hereby authorized and fully impowred, in the name and stead, and to the only use, benefit and behoof of the Governour and Company of this Colony, to ask, demand, levy, sue for and recover, all sum and sums of money due, or that hereafter shall become due to this government for any such interest, and secured by bond or note; and the said Treasurer is hereby ordered to sue out any such bond or note at the county court, whether stated or adjourned, to be holden in the county of Hartford, that next happens after the expiration of the time for paying such note or bond. And the said Treasurer upon recovering of judgment in any action or suit, to be brought as aforesaid, shall take out execution and cause the same to be levyed.

To the Honourable General Assembly of his Majesty's Colony of Connecticutt, to be holden at Hartford, May the 9th, 1734.

Pursuant to an act of Assembly, October the 11th, 1733, appointing us, the subscribers, a committee to repair to the

society made out of the north part of Canterbury and south of Pomfrett, and south part of Mortlake, to fix a place for them to build a meeting house on, &c.: Your Honours' committee did, on the 27th day of November, 1733, repair to said society, with notice given to the inhabitants thereof, and met at the house of Mr. Samuel Spaulding in said society, and a great number of the inhabitants being present; and we proceeded, and heard the parties on both sides, and then viewed the circumstances of said society, the greater part thereof; and we took the concessions of the parties of the other part of said society that we did not view; and on consideration of the whole affair of said society, we fixed a place for them to build a meeting house upon, on the plain eastward of Mr. Samuel Spaulding's now dwelling house, about twenty or thirty rods off of said Spaulding's house, where we marked a white oak staddle for the place to set said meeting house on; which was done on November 29th, 1733. All which we submit to your Honours' consideration.

Daniel Lawrence, Ephraim Kingsbury, John Creery, *Com^tee^*.

The above report is accepted and approved by this Assembly.

An Act ordering the Discharge of such Persons as bring in the Loan Money received of this Government, and directing how such Money may go forth again out of the Colony Treasury.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That any person or persons that have taken any of the said money shall at any time, upon their being at the charge thereof and paying the principal sum receiv'd with the interest due for the same, shall be discharged. And upon the receipt of any such sum and interest, the Colony Treasurer, who hath been appointed to receive the same, he shall under his hand certify the Governour, for the time being, of the same, and such person shall be discharged by the Governour, &c., in manner as hath by this Assembly been provided in one certain act passed by this Assembly in May last, and all further interest shall cease, and the bonds given for the same shall be by the said Treasurer delivered to the person or persons so discharged. And what money shall be brought in to the said treasury upon the mortgages before the expiration of the term for which it went out, the committees in the respective counties already appointed shall let the same out again to the end of said term, and not longer, to some person of the same town that bro't it in, taking the same security as is provided in said act, both in respect to the principal sum and interest.

[168] Upon the petition of Jonathan Ellsworth of Windsor *vs.* William Thrall of said Windsor, &c., shewing that formerly the petitioner had imployed Caleb Winchell, Robert Winchell, Isaac Owen, junr, Elijah Owen, Wm Tullar and Lemuel Roberts, all of Symsbury, as his servants, to cart iron oar, &c., and that the said Thrall had sued the said Caleb Winchell in four actions of trespass, the said Robert Winchell in one action, the said Isaac Owen in two actions, the said Elijah Owen in one action, the said William Tullar in one action, and the said Lemuel Roberts in one action, all which actions were commenced to be tryed by Mr. Justice Phelps, and that two of the said actions, (vizt.) those against the said Tullar and Roberts, had their tryal on the 4th Monday of April, 1733, and the rest of the said actions had their tryal on the 1st day of May last; the petitioner complaining of the bills of cost allowed by said justice against the several abovenamed defendants; shewing also that the said bills against the several aforesaid defendants were allowed by said justice after he was dispossessed of the said actions; praying this Assembly to reverse and set aside the doings of said justice respecting the said bills of cost: Resolved by this Assembly, that the doings of said justice, so far as relates to the several abovementioned bills of cost, are manifestly erroneous, and that, therefore, the said bills of cost, with all the doings thereon, be and hereby are reversed, set aside, and made utterly void, and that the said Jonathan Ellsworth be restored to all that he hath lost and been damnified by the erroneous allowing the bills of cost aforesaid. *Cost allowed the petitioner is* £14 2*s.* 2*d.* *Ex. granted July* 20*th*, 1734.

Upon the petition of Giles Ellsworth of Windsor in Hartford county *vs.* William Thrall of said Windsor, complaining of a bill of cost allowed against said Ellsworth in a case tryed by Mr. Justice Phelps of Symsbury on the first day of May last, shewing said cost to be allowed after said justice was dispossessed of said action; praying this Assembly to reverse and set aside the doings of said justice, respecting said bills of cost: Resolved by this Assembly, that the doings of said justice, so far as relates to the said bill of cost, be reversed and set aside, with all the doings thereon, and that the said Giles Ellsworth be restored to all that he hath lost and been damnified by the erroneous allowing the bill of cost aforesaid. *Cost allowed the petitioner is* £14 0*s.* 3*d.* *Ex. granted July* 20*th*, 1734.

Upon the petition of Samuel Jones of Hebron in Hartford county *vs.* Obadiah Horsford of said Hebron, shewing this Assembly that in the tryal of a case at the superiour court held

at Hartford in September, 1733, wherein the said Jones demanded of the said Horsford the surrendry of two acres and an half of land, the petitioner was defeated of some copies of record whereby he lost his case; praying for a reversal of the said judgment, and that he might have another tryal in said case: Resolved by this Assembly, that the aforesaid judgment be reversed, and that the petitioner have the liberty of one tryal more in said case at the superiour court to be held in Hartford on the second Tuesday of September next, and that only the future cost after the rising of this Assembly follow the final judgment in said case.

Upon the petition of Samuel Belden, of Norwalk in the county of Fairfield, *vs.* Mehetabell Hooker, late of Farmingtown, now of Hartford in the county of Hartford, shewing to this Assembly that upon the complaint of the said Mehetabell against him for begetting her with child and praying for maintenance from him, judgment was given against him in her favour at the county court held in Hartford in April last; complaining also to this Assembly that the said county court denyed him a review in said case, and praying for relief in the premises: Resolved by this Assembly, that the petitioner shall have a review in the said case to the county court to be held in Hartford on the first Tuesday of November next, and that he may enter the case there as thô review had been granted him in the last county court in April, and may in said November court have another tryal of said case, he there before that court giving sufficient bond to prosecute his said review and for the answering all cost and damage if he fails therein.

[169] This Assembly being informed that Mr. John Plumb of New London, one of the committee appointed by the act of this Assembly in May, 1729, to have the oversight of the building the Battery, &c., at New London, is deceas'd: Whereupon this Assembly do appoint Mr. Thomas Prentiss of said New London to supply the place of the said Mr. Plumb, deceas'd, in the affair aforesaid, and in concert with the rest of said committee proceed as by acts of Assembly is directed.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the Battery, already begun at New London, be finished and compleated, and that the walls and platform be made fit and convenient for eight pieces of cannon to be mounted there, and that Samuel Eells, James Wadsworth and Samuel Lynde, Esq^rs, or any two of them, be a committee to view the said battery and give their directions to those persons at New London that have been appointed to build said battery, as well

respecting the length, height and thickness of the wall, as also of the platform for the carriages to move upon. And the persons who have been appointed to build said battery are hereby directed and ordered to conform themselves in reference to the said battery to such directions as the said committee shall give them. And that the said battery may be compleated as aforesaid, this Assembly do desire and fully authorize his Honour the Governour and Council to draw out of the Colony treasury, and to be improved for the end aforesaid, the sum of one hundred and fifty pounds, if so much be needed; the same to be drawn out as there shall be occasion.

Be it further enacted by the authority aforesaid, That the said committee, or any two of them, do receive of Mr. Gurdon Saltonstall of New London all the arms and warlike stores that were left under the care of the late Honourable Gov^{r} Saltonstall; and the said committee are directed to give said Mr. Saltonstall a receipt of what they shall receive. And the said committee are ordered to deliver said arms and stores to Capt. John Pickett of New London, which Pickett is hereby directed and ordered to take said arms and stores into his keeping, and the said committee shall take his receipt for the same, obliging said Pickett to keep said stores and arms and not to deliver them to any person without the order of this Assembly, or the order of the Governour and Council, or that the town of New London or the parts adjacent be assaulted by an enemy.

Upon the memorial of Luke Brumbley and Priscilla Brumbley, of Preston in the county of New London, administrators on the estate of Nathaniel Ayres, late of Voluntown in the county of Windham, deceas'd, representing to this Assembly that the said estate is indebted £32 11*s*. 9*d*. more than the moveable estate in the hands of said administrators amounts to, and praying that this Assembly would appoint them, or some other person, to sell so much of the lands belonging to the estate of the said deceas'd as shall be sufficient to pay the sum aforesaid: This Assembly do thereupon appoint and impower the said Luke Brumbley and Priscilla Brumbley to sell (by the direction of the court of probate in the county of Windham) so much of the land belonging to the aforesaid estate of the said Nathaniel Ayres, deceas'd, as shall be sufficient for the payment of the aforesaid sum of £32 11*s*. 9*d*., and the necessary charges arising thereupon.

Upon the memorial of Hezekiah Grimes, of Stepney parish in Weathersfield, shewing to this Assembly that Nathan Smith, to whom the ferry over Connecticutt river in said parish was granted, is lately deceas'd, and no person left to take care

thereof, praying this Assembly to grant him liberty to keep said ferry: This Assembly grants to said Hezekiah Grimes liberty to keep said ferry, and to take and receive the fare thereof unto himself during the pleasure of this Assembly, under the same regulations as the said ferry was granted unto the said Nathan Smith.

[170] Upon the memorial of the town of Windsor, by their committee, shewing to this Assembly that there are three highways or roads lately laid out by jurys in the town of Windsor by order or orders of the county court, (viz:) one highway from the house of William Kelsey on to Symsbury, by the house known by the name of Isaac Goodwin's; also one highway from the highway in Hartford on the Blew Hills, through Windsor by Peter Mills's to Symsbury; and also one highway to begin on the north side of the rivulet in Windsor, at the upper cart way, against the upper end of the fourth meadow, and from thence to continue on to Suffield; which highways are represented as not likely to accommodate the good ends proposed; and the memorialists praying that a committee may be appointed to review the conveniency and necessity of said highways, at the cost of said town, and make their report to the county court, &c.: And thereupon this Assembly do appoint Messrs. Thomas Wells of Glassenbury, John Chester and Thomas Right, to be a committee to repair to Windsor, at the cost of the memorialists, and review the conveniency and necessity of said highways, and report the circumstances relating thereto to the county court to be holden at Hartford in November next; which court are hereby fully impowred to hear and determine in all matters with relation to said highways as they shall judge will be most equitable and for the publick good; and all further proceedings thereon are hereby ordered to be stayed till said time.

Upon the memorial of some of the late New London Society: It is resolved by this Assembly, that upon the memorialists (within two months from the rising of this Assembly) certifying Nathaniel Stanly, Esq^{r}, and Capt. John Marsh, the committee appointed to receive the bills of the said society, that they have made proclamation in the several towns in this Colony, by setting such proclamation on the sign post in such town, so that probably all persons who have any of their outstanding bills may upon their bringing in any of the said outstanding bills to the said committee have the bills of this Colony in exchange for them, that on the said committees receiving sufficient mortgages as heretofore provided, orders shall be given on the Treasurer as formerly; and when the said committee shall be certified that due notice has been given, by the

proclamations aforesaid, to bring in the outstanding bills aforesaid within the space of six weeks next after the proclamations aforesaid have been made, the said committee shall proceed to find how much short of fifteen thousand pounds has been exchanged, and the remainder of the said fifteen thousand pounds shall, upon good and sufficient mortgages as has been heretofore provided, give unto the mortgagers orders on the Treasurer for drawing the said remaining part of the said fifteen thousand pounds; all to be on the same terms and conditions that the loan money has been heretofore let out upon.

An Act Dividing the Town of Haddam in the County of Hartford, and making the Same into Two distinct Towns.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That what part of said town of Haddam lyeth on the west side of Connecticutt river, and the island in the said river, with all those lands on the east side of said river bounded westerly by the said river, southerly by the cove and Salmon river unto Midletown line, and northerly by Midletown line unto said Connecticutt river, shall be and remain to be a [171] || distinct town, with all powers and privileges proper to other towns in this Colony, and be known by the name of Haddam. Always provided, that the said town of Haddam do not send more than one Deputy to this Assembly at any time for the future on the publick charge of this Colony.

And it is hereby further enacted, That all that part of the said town of Haddam which lyeth east of a line drawn from Midletown line on the north by Salmon river to the cove into which said Salmon river emptieth itself, and by said cove until it comes to the great river of Connecticutt, and so by Connecticutt river to the south bounds of Haddam, shall forever be and remain one distinct town, with all powers and privileges proper to other towns in this Colony, and shall be called and known by the name of East Haddam. Always provided, that the said town of East Haddam do not send more than one Deputy for the future upon the publick charge of this Colony.

Upon the memorial of the owners of the Three Mile lots on the east side of the great river in Windsor that lye between the lots of Samuel Grant deceas'd on the south and the lot of Josiah Ellsworth deceas'd on the north, shewing to this Assembly that by reason no certain rule is fixed in the grant of their said lots for their running their course eastward, whereby there is like to arise many contentions and suits between the owners of said lots, and thereupon praying to this Assembly

to appoint and impower a committee to lay out said lots and ascertain the bounds thereof by sufficient bound marks: This Assembly do appoint and impower William Pitkin, Esq^{r}, of Hartford, and Lt. Roger Newberry and Lt. Joseph Loomiss of Windsor, or any two of them, to be a committee to lay out said lots, and bound out the same with sufficient bound marks. The said service to be done at the costs of the owners of said lots.

This Assembly observing that the act passed by this Assembly in October last, in relation to schooling the Indian children at Farmingtown, is expired: Therefore this Assembly do revive the said act, and the same is hereby revived and to be in force during the months of October, November, and until the last day of April next coming, and no longer.

Upon the memorial of Giles Hall, George Phillips, Daniel Hall, John Wilcox, and Joseph White, a committee for the school in Midletown, shewing that sundry well disposed persons had granted several tracts of land for the benefit of a school in said Midletown, &c., praying this Assembly to appoint a committee to take care of all such lands and improve the same for the benefit of the school in said town, for which the same was granted: This Assembly do grant the prayer of the memorialists, and do hereby appoint and fully impower Capt. Giles Hall, Capt. George Philipse and Mr. Jabez Hamlin, to be a committee to take care of and lease all such lands given as aforesaid, and to receive the rents thereof, and improve the same to and for the use and support of the said school, with full power to sue for, answer and defend, in all cases relating to the said land and premises. And in case any of the said committee shall be removed by death, or shall remove out of said town, those surviving and remaining shall be enabled, and are hereby enabled, to choose one or more to joyn with them to be a committee for the end aforesaid.

Upon the memorial of John Hunt and Belcher Noyes, both of Boston, Eleazer How, William Ward, Esq^{r}, (as guardian to Robert Break, a minor son of the Reverend Robert Break late of Marlborough deceas'd,) Benjamin Rice, Joseph Stratten, and Nathan Bridgham, all of Marlborough, and Jonas Houghton of Lancaster, and all within his Majesties Province of the Massachusetts Bay, informing this Assembly that they, by sundry mean conveyances, have purchased about five thou- [172] sand acres of land lying in this || Colony, butted and bounded as in their memorial is set forth, dated Hartford, May 15th, 1734, and praying for a patent thereof to them, or, in case of any difficulty therein, that then a committee be ap-

pointed to enquire, report, &c., as by their aforesaid memorial on file appears: Resolved by this Assembly, that James Wadsworth, Nath[l] Stanly, Esq[rs], and Capt. Thomas Wells of Glassenbury, be a committee to enquire into the whole affair relating to the claims, rights, bounds and quantitys of said five thousand acres of land, and report their opinion on the premises, what they judge ought to be done relating thereto, to this Assembly in October next; and all at the cost of the memorialists. And the said memorial is continued for the further consideration with the said report until October next.

Upon the memorial of Daniel Ellsworth and the rest of the inhabitants living in the east part of the township of Windsor on the east side of the great river, commonly called Goshen, praying this Assembly that they may be freed from the payment of ministerial charges in the east parish of Windsor whereto they belong, during the time in which they shall maintain an orthodox minister among themselves: This Assembly do grant that the said inhabitants have liberty to maintain an orthodox minister among themselves, and that whilst they so maintain such minister and the preaching the gospel among them they shall be and hereby are freed from paying ministerial charges in any other part of the said town.

Upon the request of John Sabin, Serjeant Major of the county of Windham, this Assembly do dismiss and release him from the said office, and this Assembly do appoint Timothy Pierce, Esq[r], to be Serjeant Major of the county of Windham.

Upon the memorial of the north parish of Groton, shewing that their late minister had withdrawn himself from them and not likely to be any thing further serviceable to them as a minister, and that thereby they were reduced to necessitous circumstances, thereupon praying some help: This Assembly grants to the memorialists the sum of fifty pounds, to be paid out of the publick treasury, upon their calling and settling among them an orthodox minister with the approbation of their neighbouring churches.

This Assembly having appointed Ozias Pitkin, Esq[r], to be Judge of the County Court in the county of Hartford, and he declining to officiate therein, did then appoint Nathaniel Stanly, Esq[r], to be Judge of the said Court, who also manifested his unwillingness to undertake the burden of that office: Whereupon this Assembly do appoint Samuel Mather, Esq[r], to be Judge of the County Courts in the county of Hartford for the year ensuing.

This Assembly do appoint Capt. Thomas Wells of Glassen-

bury, Justice of the Peace, to be of the Quorum in the county of Hartford.

This Assembly do appoint Mr. John Humpriss of Symsbury to be a Justice of the Peace for the county of Hartford the year ensuing.

This Assembly grants to his Honour the Governour the sum of three hundred pounds in bills of credit, for his salary this current year, to be paid out of the treasury, the one half at this time, and the other in October next.

This Assembly grants to his Honour the Deputy Governour the sum of one hundred and fifty pounds in bills of credit, for his salary this current year, to be paid out of the treasury, the one half at this time, and the other in October next.

[173] This Assembly grants to Franciss Wilks, Esq^{r}, the Agent, the sum of one hundred pounds in bills of credit, to be paid out of the treasury of this Colony.

This Assembly grants to Mr. Timothy Green, printer, the sum of twenty-five pounds, bills of credit, for his half years salary.

Upon the memorial of James Bunce and Mary Bunce, administrators on the estate of John Bunce of Hartford late deceas'd, (with the will annexed,) shewing to this Assembly that the estate of the deceas'd is indebted £37 3*s*. 3*d*. more than the personal estate of the deceas'd amounts to, for the payment of which they have nothing; also praying that this Assembly would give them leave to sell so much of the real estate of the deceas'd as to make the said sum with charge arising thereon: Resolved by this Assembly, that the said James and Mary Bunce shall have liberty, and are hereby impowred, with the direction of the court of probate for the district of Hartford, to sell so much of the lands of the deceas'd as to make the said sum of £37 3*s*. 3*d*. with necessary charges arising thereon.

On the petition of Thomas Williams, of Newlondon, *vs*. John Winthrop, Esq^{r}: The question was put, whether anything should be granted, and resolved by this Assembly in the negative. *Cost allowed respondent is* £2 7*s*. 10.

On the petition of John Williams of Midletown *vs*. Hope Halley of Midletown: The question was put, whether anything should be granted, and resolved in the negative. *Cost allowed respondent is* £3 1*s*. 10*d*. *Ex. granted August 7th*, 1734.

On the petition of Thomas Hill of Fairfield *vs*. Elizabeth Burr of Charlestown, &c.: The question was put, whether

anything should be granted, and resolved by this Assembly in the negative.

On the petition of John Stoyell of Woodstock *vs.* Ebenezer Dowe, &c.: The question was put, whether the pleas offered in abatement thereof are sufficient, and resolved by this Assembly in the affirmative.

An Act for the Encouragement of raising Hemp, making Canvas or Duck, and also for making Fine Linen.

This Assembly considering the great profit and advantage that might in time accrue to his Majesty's people in this government by the raising of hemp, making canvas and fine linen, &c., if the same may be sufficiently encouraged and promoted:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be paid out of the publick treasury of this Colony to every person or persons inhabiting in this Colony, as a premium, the sum of four pence per pound for every pound of good, well dressed, water rotted hemp, that shall be by him or them raised or procured to be raised, and shall be the proper growth of this Colony; provided there be no premium allowed to any man for any quantity less than fifty pounds.

Be it also further enacted by the authority aforesaid, That there shall be likewise paid out of the publick treasury the sum of twenty shillings for every bolt or piece of well wrought canvas or duck, fit for use, and thirty-six yards in length, and thirty inches wide, and weighing not less than forty-five pounds, made of the hemp aforesaid or well dressed water rotted flax, to be paid to him that shall do or procure the same to be done and manufactured as aforesaid.

Be it also further enacted by the authority aforesaid, That as a premium, (for the encouragement of making fine linen,) there shall also be paid out of the publick treasury of this Colony to every person or persons that shall make, or procure to be made, within this Colony, any fine linen cloth, as followeth, (viz:) for every yard that is well spun, wove and whitned, and is a yard wide and made of yarn that is eight runs to the pound, two shillings per yard, and so *pro rato* for wider or narrower cloth so made; and also for all fine cloths and of [174] the same widths, a proportion to the fineness ‖ thereof, to be determined by the number of runs to a pound; provided none be allowed to be narrower than three quarters of a yard, and that no deceit or fraud be imposed upon the publick.

Be it further enacted by the authority aforesaid, That every person or persons, in order to his or their being entituled to

the premium aforesaid, shall shew and present to the view of an assistant and one justice of the peace in the county where the same is raised or manufactured, or to two justices whereof one shall be of the quorum, all such hemp, duck or canvas, and fine linen; who, if they judge the same to be raised, wrought or manufactured according to this act, and shall also upon a strict examination of the party or parties producing the same, under oath, (which the said assistant or justices are hereby impowred to require and administer,) or upon other evidence be fully satisfied that the said hemp is of the proper growth of this Colony, and the said canvas and fine linen manufactured in the same, according to the intent of this act, and that no premium hath before been allowed therefor or any part thereof, then and in every such case, and in no other, shall draw an order upon the Treasurer of this Colony to pay to such person or persons such sum or sums of money as shall be judged due to them as a premium according to this act, by the rule aforesaid; which said assistants and justices shall be allowed out of the publick treasury a reasonable satisfaction for their service in the premises, to be paid by the parties presenting and shewing the same to them. Provided this act shall continue and be in force for the space of five years from the rising of this Assembly, and no longer.

To the Honourable the General Assembly at Hartford, May 9th, 1734.

Your petitioner, finding himself under such sensible decays of bodily health that he has no reasonable prospect of being able further to sustain the office and trust of Secretary of this government, does (after all humble acknowledgments to Divine Providence, which has so long continued him, and grateful resentments of the respects of this corporation in inviting him thus long to continue in that office, and with dutiful returns to this Honourable Assembly for so many marks of their esteem during the time of it,) prays that he may be permitted to resign the same. And your petitioner, as in duty bound, &c.

HEZ. WYLLYS, Secret'y.

Mr. Secretary Wyllys having resigned up his office, because of insuperable infirmities attending him, as above exprest: It is resolved by this Assembly to proceed to the election of a Secretary, to fill up the vacancy. And accordingly George Wyllys of Hartford was chosen Secretary of this Colony for the year ensuing, and thereupon had the secretary's oath administred to him by his Honour the Governour in the presence of the Council.

An Act in Addition to an Act intituled An Act for restraining Excessive Usury.

Whereas excessive usury, notwithstanding the provision made for preventing the same, is a prevailing evil, and many [175] ill minded persons not || contenting themselves with a just and reasonable payment to be made them for the goods they have sold, or lawful interest for their money lent, have used many subtle and clandestine methods to oppress their poor debtors or borrowers, as to urge and compel them to give mortgages, bills, bonds or notes under hand, for the payment of great and unlawful sums for forbearance, or to trade further with them, upon unreasonable advance, to the great oppression and undoing of many families; and, that they might the better avoid the penalties of the law made against excessive usury and oppression, have taken advantage of the distress and poverty of their debtors, to suffer them craftily to conceal from witnesses what was the real consideration for which such mortgage, bond, bill or other instrument was given: For remedy whereof, and to prevent the like mischief for the future,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the grandjurors in their respective counties shall make enquiry after all persons that are of evil name and fame for oppressing their poor debtors or borrowers, or of taking excessive interest for forbearance, and shall present such person or persons to the next assistant or justice of the peace as being guilty of said crimes; and if thereupon such person or persons shall not satisfy the authority, before whom he or they are bro't to be examined, that he or they are not guilty, it shall be lawful for such authority to bind over such person or persons, with two good sureties, in a recognizance not exceeding the sum of one hundred pounds, to appear at the next county court to be held in the county where he or they dwell, to answer to said presentment and abide the judgment of the court to be given thereupon; and if such person or persons refuse to become bound as aforesaid, the said authority shall commit him or them to the common goal in said county, there to remain until he or they conform themselves and become bound as aforesaid. And if upon the tryal before the court one credible witness shall come and depose against such person or persons, that he or they have taken excessive interest or security therefor, or otherways have oppressed their poor debtors or borrowers, setting forth the fact before the court, it shall be lawful for the court to bind such person or persons with sureties in a recognizance, not exceeding the sum of one

hundred pounds, to his or their good behaviour, and that he or they shall offend no more in the like kind for such time as the court shall judge meet; and if such person or persons shall offend again in like manner, while he or they are under such recognizance, to be proved against him or them by one credible witness, such persons shall be adjudged to have forfeited their recognizance, unless such persons shall be acquitted by a jury of twelve lawful men of the neighbourhood declaring upon their oaths that they believe he or they are not guilty, which jury he or they, at his or their request and his or their own charge, may have the liberty of; and in case judgment shall be given against such person or persons, the court may, at discretion, chancer down the recognizance, having regard to the aggravation of the offence more or less.

[176] *And be it further* || *enacted*, That in any action bro't on any bond, bill, mortgage, or other instrument whatsoever, that shall be made and executed after the first day of June next, it shall be lawful for the defendant in such action to inform the court before which the action is brought, by filing his complaint with the clerk of such court on the first day of the court's sitting, that the mortgage, bond, or other instrument, on which the action is bro't, is usurious and oppressive, and was given for no just or reasonable consideration; and then, in such case, the court is directed and impowred to proceed in searching out the truth of such complaint as a court of chancery or equity, by examining the parties upon oath, or in any other way proper to a court of equity; and if the plaintiff shall refuse to be examined upon oath, his action shall be nonsuit and the court shall give judgment for the defendant to recover his cost. And if upon tryal the court shall find such mortgage, bond or note, &c., to be usurious or oppressive, and for which the defendant had no reasonable consideration, they shall adjust the same in equity, and give judgment that the plaintiff shall recover no more than the just value of the goods sold, &c., or than the principal sum which the defendant receiv'd of the plaintiff, without interest or advance thereupon.

Always provided, That nothing in this act be construed to prevent any person from proceeding upon full evidence against excessive usury and usurious contracts, and recovering as heretofore by law they might have done.

Upon the memorial of Hezekiah Wyllys, late Secretary of this Colony, shewing to this Assembly that, pursuant to the acts of this Assembly, he receiv'd out of the publick treasury of this Colony the sum of one thousand pounds in bills of publick credit on loan, for which he secured to the Governour and Company lands in the towns of Hartford and Glassenbury

to the value of two thousand pounds, by a mortgage dated the 17th of June, 1732, and that he receiv'd the same at two several times, (viz^{t}.) £653 7*s*. 4*d*. ½*ob*. on the 7th of August, 1732, and the rest on the 8th of January, 173⅔, and that in the 7th of December, 1733, he paid into the treasury the sum of six hundred pounds, and thereupon desiring his aforesaid estate may be released and discharged from the incumbrance aforesaid, on his giving good security for the remaining part of said thousand pounds, as per his memorial on file: Resolved by this Assembly, that Nathaniel Stanly, Esq^{r}, and Coll. David Goodrich, and Capt. John Marsh, or any two of them, be a committee fully impowred and authorized to discharge and release, in the name and on the behalf of the said Governour and Company, unto the said memorialist the estate secured in the mortgage aforesaid, to him free of the aforesaid incumbrance, upon his giving security in lands double the value of the said 400*l*. yet remaining, to the said Governour and Company, to the acceptance of the said committee, redeemable in such reasonable time as the said committee shall judge convenient, including the interest thereof, as is usually required of other borrowers, and also on his paying, or giving bond to pay, the interest due on the said 1000*l*. to this time, according to the times he received the same, as per his receipt.

Whereas the business of this Assembly has drawn out their present sessions to such a length that all the members thereof cannot, without great inconvenience, stay to hear the records read off and compleated: This Assembly do order and appoint Roger Wolcott, Nathaniel Stanly, William Pitkin, Esq^{rs}, Capt. John Marsh, Coll. David Goodrich, Capt. John Chester, Capt. Sam^{l} Mather, Capt. Henry Allyn, Capt. Thomas Wells, a committee in the name of this Assembly to attend his Honour the Governour to hear the records of the acts of this Assembly read off, and to see them perfected and then signed by the Secretary as compleat.

The several acts, grants and orders of this Assembly, as they stand entered in the pages of this book next preceding, were read in the presence of his Honour the Governour and the committee abovenamed, and by them ordered to be signed by the Secretary as compleat.

GEORGE WYLLYS, Secret^{r}y.

[178*] *CONNECTICUTT COLONY.*

At a General Assembly holden at New Haven, in his Majesty's English Colony of Connecticutt, in New England, in America, on Thursday the 10th day of October, anno regni Regis Georgii, Magnæ Britanniæ, &c., 2^di^, 8vo, Annoque Dom. 1734.

Present,

The Honourable Joseph Talcott, Esq^r^, Governour.
The Hon^ble^ Jonathan Law, Esq^r^, Deputy Governour.

Samuel Eells,	John Burr,	Esq^rs^, *Assistants.*
James Wadsworth,	Samuel Lynde,	
Nathaniel Stanly,	Edmund Lewiss,	
Joseph Whiting,	William Pitkin,	
Timothy Pierce,	Thomas Fitch,	

Representatives or Deputies that were return'd to attend at this Assembly, are as follows, (viz:)

Mr. John Marsh, Mr. Joseph Pitkin, for Hartford.
Mr. Daniel Coit, Mr. John Richards, for New London.
Mr. Eleazer Carey, Mr. Thomas Dyer, for Windham.
Mr. Joseph Addams, Mr. Jabez Fitch, for Canterbury.
Mr. James Packer, Mr. Christopher Avery, for Groton.
Mr. Ebenezer West, Mr. William Throop, for Lebanon.
Mr. Joseph Platt, Mr. Daniel Hoit, for Norwalk.
Mr. Joseph Strong, Mr. Jeremiah Fitch, for Coventry.
Mr. John Grigory, Mr. Thos. Benedict, for Danbury.
Mr. David Buell, Mr. John Lane, for Killingsworth.
Mr. Joseph Judson, Mr. David Hawley, for Stratford.
Mr. Samuel Willard, Mr. Nath^l^ Clark, for Saybrook.
Mr. Timothy Hopkins, Mr. Samuel Brown, for Waterbury.
Mr. Ephraim Kingsbury, Mr. Sam^l^ Spaulding, for Plainfield.
Mr. Josiah Conant, Mr. Experience Porter, for Mansfield.
Mr. Isaac Dickerman, Mr. Jonathan Allyn, for New Haven.
Mr. Samuel Couch, Mr. John Silliman, for Fairfield.
Mr. John Griswould, Mr. Daniel Ely, for Lyme.
Mr. Benajah Bushnell, Mr. Jabez Hide, for Norwich.
Mr. John Humphrey, Mr. Samuel Pettibone, for Symsbury.
Mr. John Noyce, Mr. Increase Billings, for Stoningtown.
Mr. Samuel Maltbey, Mr. Isaac Harrison, for Branford.
Mr. John Curtiss, Mr. Ephraim Minor, for Woodbury.
Mr. Theophilus Yale, Mr. Benjamin Hall, for Wallingford.
Mr. John Sabin, Mr. Leicester Grosvenour, for Pomfrett.

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Mr. Thomas Wells, Mr. David Hubbard, for Glassenbury.
Mr. John Bulkley, Mr. Israel Newton, for Colchester.
Mr. James Leavinz, Mr. Joseph Cadey, for Killingsley.
Mr. Philip Eastman, Mr. John Perry, for Ashford.
Mr. Jonathan Hoit, Mr. Samuel Hoit, for Stanford.
[179] Mr. Samuel Hill, Mr. Thomas Hodgkiss, for Guilford.
Mr. Stephen Noble, Mr. John Bostwick, for New Milford.
Mr. David Goodrich, Mr. John Chester, for Weathersfield.
Mr. James Reignolds, Mr. Nath^{l} Peck, for Greenwich.
Mr. Caleb Cone, for West Haddam.
Mr. Joseph Phelps, Mr. Hez^{h} Gaylord, for Hebron.
Mr. Moses Parsons, Mr. Elihu Chauncey, for Durham.
Mr. Roger Newton, Mr. John Fowler, for Milford.
Mr. George Phillipse, Mr. Nath^{l} Bacon, for Midletown.
Mr. Will^{m} Wadsworth, Mr. Josiah Hart, for Farmingtown.
Mr. Henry Wolcott, Mr. Henry Allyn, for Windsor.
Mr. Isaac Spencer, for East Haddam.
Mr. John Riggs, Mr. Sam^{l} Bassett, for Derby.
Mr. John Brown, Mr. Jedadiah Tracey, for Preston.

Mr. Roger Newton, Speaker, } of the House of Represent-
Mr. John Bulkley, Clerk, } atives.

This Assembly do establish and confirm Mr. Nathaniel Hooker of Hartford to be Captain of the first company or trainband in the town of Hartford aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Eleazer Hubbell of Wellington to be Captain of the company or trainband in the town of Wellington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Merrick of Wellington to be Lieutenant of the company or trainband in the town of Wellington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Farly of Willington to be Ensign of the company or trainband in the town of Willington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Mathew Smith of East Haddam to be Captain of the south company or trainband in the town of East Haddam aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Jabez Chapman of East Haddam to be Lieutenant of the south company or trainband in the town of East Haddam aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. William Stuart of Stoningtown to be Lieutenant of the second company or trainband in the town of Stoningtown aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Theophilus Baldwin of New Milford to be Lieutenant of the company or trainband in the town of New Milford, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Stoughton, jun^{r}, of Windsor, to be Lieutenant of the north company or trainband on the east side of the great river in the town of Windsor aforesaid, and order that he be commissioned accordingly.

[180] Whereas this Assembly, at their sessions in May, 1732, did appoint James Wadsworth and Samuel Lynde, Esq^{rs}, and Mr. John Richards of New London, to be Guardians to the Mohegan Indians, and gave them particular instructions, directions and authority, for the management of affairs respecting said Indians in many particulars: but upon a representation made and laid before this Assembly by his Honour the Governour, of some difficulties attending said Indian affairs, that the said guardians are not particularly directed to take care of: This Assembly do now, in addition to the aforesaid instructions, &c., authorize, and impower and direct, the said guardians, or any two of them, to inspect into any other matter of difficulty that shall happen respecting the said Indian affairs, or that hath already happened, either in regard to themselves, or estates or lands, which there is no provision made for in the aforesaid instructions; and, as they shall find occasion, take and make use of such lawful ways and means as they judge best, to give relief to said Indians, and doing justice in the matter; and, as guardians aforesaid, to commence suits for the recovery of any of their lands held from them, or for the punishing trespassers thereon, and to final judgment and execution the same to prosecute. And, in case any particular difficulties attend any of said affairs, and they think it necessary, they are directed to lay the state of the case, with the circumstances thereof, before this Assembly, with their opinion thereon, in order for this Assembly to consider and determine the same.

An Act in Explanation of the ninth Paragraph of the Law entituled An Act for the more effectual Detecting and Punishing Trespass.

Whereas in the said paragraph it is provided and enacted that all agreements upon record in any town in this Colony concerning any the timber, wood, &c., in said act mentioned,

should, so far as said agreements concern the inhabitants of such towns getting timber, wood, &c., for their own use only, be and be holden good and valid: upon which two questions do arise, (viz.) whether the said agreements are to be understood to extend to lands divided and impropriated to particular persons, and to give liberty to such inhabitants to get timber, wood, &c., on said lands; and, secondly, whether, when the dispute is concerning the use for which the timber, wood, &c., is got, allowed by said paragraph to be got by said inhabitants, on whom the *onus probandi* doth lye, the plaintiff or defendant; on which uncertainties in said act disputes and [181] controversies do arise: ‖ For the prevention whereof,

Be it declared and resolved by this Assembly, That said acts or agreements are not to be understood to be confirmed or holden good so far as to extend to give any licence to any inhabitants to get such timber, wood, &c., on any lands divided and appropriated to particular persons, without their licence had and obtained; and that when any dispute doth arise concerning the use for which such timber, wood, &c., is got, allowed to be gotten by said paragraph, that then the burden of proof doth and ought to lye on him who pleads or avers the use he got it for, that the said timber, wood, &c., was got and improved for such use; unless he can shew a reasonable excuse of his not improving it to the use for which said timber, wood, &c., is averred to be got.

An Act directing how the Bridge (that is now fallen to Decay,) over the River that is near the Dividing Line between the Towns of Say-Brook and Killingsworth in the County of Newlondon shall be new built and maintained for the Future.

Whereas the bridge that hath been formerly built over the river that runneth near or at the dividing line between the towns of Saybrook and Killingsworth is fallen down and become wholly ruinous, so that his Majesty's subjects are hindered in their lawful business, and the said towns who have maintained said bridge do now differ, and cannot agree, who or how the same should be built and maintained: And, whereas the ordinary provision in the law already made seemeth not to be sufficient in such an extraordinary case, which calleth for speedy redress: And it being well within the province of this Assembly to take care that by proper tryals and officers appointed the publick roads and highways be freed from all nuisances and well repaired and kept, so that the King's subjects be not impeded in their lawful business:

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the Hon^ble^ Jonathan Law, Esq^r^, Samuel Eells, Esq^r^,

Roger Wolcott, Esq^r, James Wadsworth, Esq^r, and Joseph Whiting, Esq^r, judges of the superiour court, or any three of them, shall repair to the said town of Say-Brook, at such time and place as they shall think proper, and by their clerk, Mr. Daniel Edwards, the selectmen of the said towns of Seybrook and Killingsworth shall be summoned to appear before them, where the said judges, or any three of them, shall by a jury, to be summoned out of the neighbouring towns in the said county, inquire who ought to build and maintain the said bridge; and they shall proceed, upon hearing the parties, to give judgment who shall build and maintain said bridge; and the costs shall follow the tryal. And if the town or towns aforesaid, who upon such tryal shall be found ought to make and maintain said bridge, shall not anew build and finish said bridge, within such time as shall be determined and appointed [182] by the said persons || holding said tryal, that then there shall execution go forth from time to time by order of said judges, to be signed by said clerk, and to be levyed upon the estate of the selectmen or other substantial inhabitant or inhabitants of said town or towns, until there be a sufficient sum and sums of money raised to build and finish said bridge and all charges arising thereon; and such selectmen or inhabitant or inhabitants, upon whom distress may be made, shall be refunded and payed back by a tax to be levyed upon the town where they belong; and such tryal shall be final, and all persons shall be thereby concluded; and such town or towns as may upon said tryal be ordered to build said bridge shall from time to time forever maintain and keep in good repair a bridge over the said river at the place where it hath lately been maintained. Always provided, that if the said towns, or either of them, shall within fourteen days next coming after the rising of this Assembly agree that they will with speed new build said bridge, and that they are then actually upon the said service, and his Honour the Deputy Governour be thereof duly informed, that then the said judges shall not proceed unless the said Deputy Governour be again informed that the matter is unreasonably delayed.

The Gentlemen nominated by the Freemen of this Colony to stand for Election in May next, are as follow, (viz:)

The Honourable Joseph Talcott, Esq^r, the Hon^ble Jonathan Law, Esq^r, Samuel Eells, Esq^r, Roger Wolcott, Esq^r, James Wadsworth, Esq^r, Nath^l Stanly, Esq^r, Joseph Whiting, Esq^r, Ozias Pitkin, Esq^r, Timothy Pierce, Esq^r, John Burr, Esq^r, Samuel Lynde, Esq^r, Edmund Lewiss, Esq^r, William Pitkin, Esq^r, Thomas Fitch, Esq^r, Mr. Roger Newton, Mr. Ebenezer

West, Mr. Samuel Hill, Mr. Richard Christophers, Mr. Andrew Burr, Mr. John Curtiss.

Upon the memorial of Elizabeth Hollister, administratrix on the estate of Ephraim Hollister late of Glassenbury, deceas'd, shewing to this Assembly that the estate is indebted the sum of £35 8*s*. 8*d*. more than the moveable estate in the hands of said administratrix amounts to, and praying that this Assembly would appoint her, or some other meet person, to sell so much of the lands belonging to the estate of the said deceas'd as shall be sufficient to pay the sum aforesaid: This Assembly do thereupon appoint and impower the said Elizabeth Hollister, together with Josiah Hollister of said Glassenbury, to sell, by the direction of the court of probate in the county of Hartford, so much of the land belonging to the aforesaid estate of the said Ephraim Hollister, deceas'd, as shall be sufficient for the paying of the aforesaid sum of £35 8*s*. 8*d*. and necessary charges arising thereupon.

[183] We, the underwriters, being appointed by the General Assembly in May last, to view the Battery begun at Newlondon, and to give directions to the committee authorized by the Assembly to build said battery in reference to the length of the wall, &c., and the platform for the carriages to move upon, do conclude, in reference to the said affairs, as followeth, (viz:) That the wall of the said battery shall be in length from the northerly corner one hundred feet; the breast work wall to be in height three feet and in thickness four feet and an half, to be well laid in lime; and at the southern corner, being at the end of the said hundred feet, a wall is to be extended angling on to the bank, for the security of the southern part of said battery; the platform for the carriages to be laid as low down as the top of the wall is that is already built, and the floor is to be in breadth from the breast work back fifteen feet, and, in order to the laying said floor, the earth is to be removed and levelled, so as to make a space from the breast work back to be in breadth twenty feet; at the end of said twenty feet there is to be a single wall built up, with suitable going down unto said floor; the said breast work to be made with a suitable falling off, (or slant towards the water.)

Samuel Eells. James Wadsworth. Samuel Lynde.

The aforegoing report is accepted and approved by this Assembly, and ordered to be recorded.

Upon the memorial of Abraham Waterhouse of Saybrook, setting forth that, upon his memorial, this Assembly, in their sessions in October last, did grant that, in case he did within one year after the rising of said Assembly pay one hundred

and fifty pounds and the lawful interest to the Treasurer, that then he should be discharged from the judgment given against him by the superiour court at the suit of Ebenezer Dimon, sheriff of the county of Fairfield, for £300 money, and also that the said sheriff should be acquitted from the judgment given by the superiour court against him for £300 on the occasion set forth in said memorial; and praying this Assembly to let the said £150 to him on use for two or three years, &c.: This Assembly do grant, that in case the memorialist shall, within thirty days after the rising of this Assembly, give double security to the Governour and Company of this Colony, in lands, for the said £150, and bonds with sureties for the interest of said sum, to the acceptance of Samuel Lynde, Esq^{r}, at said Waterhouse's costs, and that all costs and charges the said sheriff has been at being first paid and satisfied, that the said Waterhouse shall have the said £150 upon interest for the space of two years, and be discharged from the said judgment; and also the said Dimon shall be acquitted and discharged from the judgment given by the superiour court against him for the £300 aforesaid; and also that if the said Waterhouse shall pay unto the treasurer of this Colony the sum of £150, with the lawful interest thereof, before the said two years are expired, he shall be discharged in the same form as is provided for other mortgagers.

[184] Upon the memorial of the reverend trustees of Yale College, this Assembly grants, in addition to the standing allowance of one hundred pounds *per annum*, the sum of one hundred pounds in bills of publick credit; the one half of it to be paid in May next, the other half in October next.

Resolved by this Assembly, That the Treasurer of this Colony (taking the advice of his Honour the Governour and Nathaniel Stanly, Esq^{r},) shall improve such sum or sums of the bills of publick credit in his hands as may be necessary for the purchasing of eight hundred ounces of silver, or gold equivalent to so much silver, at the best lay or rate he can procure the same, and that as soon as opportunity presents; to be disposed of for the use of this government as occasion requires.

Upon the memorial of Nathaniel Otis, Gershom Bulkley, Joseph Chamberlain, jun^{r}, and sundry other persons inhabitants in Colchester, Hebron and East Haddam, praying for liberty to have a Troop of Horse formed in said towns: This Assembly grants liberty to said persons to imbody themselves into a troop, not exceeding forty-eight centinels besides proper officers; and they have the same liberties and privileges as are

granted to other troops in the government, and that they be under the same regulations.

Pursuant to the Act of this Assembly in May last, James Wadsworth, Esq^{r}, Mr. Thomas Lee and Mr. John Griswould, made their report to this Assembly in reference to the Indian lands at a place called Nahantick, in the town of Lyme in the county of Newlondon; which report this Assembly accepts and doth approve of. And whereas it is inserted in said report that said Indian land containeth three hundred acres, and that by the agreement of the adjoyning proprietors to said lands, as well as by sufficient testimony, the bounds of said Indian lands are as followeth: beginning at a meer-stone standing just on the edge of the bank of Nahantick Bay, being the meer-stone between John Prentiss' land and the said Indian land, and from thence running west to a black oak or red oak tree marked and stones lying by the roots and stands by the fence, and from thence running northerly to a lot that was formerly called Clark's lot, and then turning easterly by the line of said lot forty-eight rods to the south-east corner of said lot, and then turning northerly twenty-four rods, which is the breadth of said lot, and then turneth west forty-eight rods, and then the line turneth northerly to a walnut tree marked and stones lying at the roots thereof, which tree is the northeast corner of a lot called Marvin's lot, and then the line turneth westerly about three rods to an heap of stones which is the southeast corner of land now in the tenure of Thomas [185] Mannering, formerly called Christophers' lot, ‖ and from said corner the line runneth northerly to the head of the swamp, which head of the swamp is near or about northeast from said Mannerings house where the run of water passeth into said swamp, and then by said run of water unto the salt meadow or marsh, and then by said marsh and the upland unto the great brook or creek to the Indian well near the side of the brook, and then the line turneth near east to the west end of the ditch fence, and then the line proceedeth easterly or northeasterly by the said ditch and the fence unto the stone wall to John Champlins garden, and then the line turneth southeast three degrees east nearest by a ditch to the salt water, and so by the salt water to the first mentioned corner; which above bounded and described three hundred acres of land this Assembly do now ratify and confirm to the said Nahantick Indians, and do declare that the said lands do belong to said Indians, and shall remain to their only use, benefit and behoof, and that the aforementioned bounds shall always be and remain to be the bounds of the said Indian lands, and

that the adjoyning proprietors shall erect and maintain their fences conformable thereunto.

Upon the memorial of John Copp of Norwalk, praying for a reasonable satisfaction for services done for this government: Granted by this Assembly, that the memorialist be allowed and paid out of the publick treasury of this Colony the sum of five pounds for his service done for this government.

Upon the memorial of Nathaniel Loomiss of Windsor in the county of Hartford, administrator on the estate of Nathaniel Watson late of Windsor, deceas'd, shewing to this Assembly that the said estate is indebted the sum of £132 5*s*. 0*d*. more than the moveable estate in the hands of said administrator amounts to, and praying that this Assembly would appoint him, or some other meet person, to sell so much of the lands belonging to the estate of the said deceas'd as shall be sufficient to pay the sum aforesaid: This Assembly do thereupon appoint and impower the said Nath[l] Loomiss to sell (by the direction of the court of probate in the county of Hartford) so much of the lands belonging to the aforesaid estate of the said Nathaniel Watson deceas'd as shall be sufficient for the paying of the aforesaid sum of £132 5*s*. 0*d*., and the necessary charges arising thereupon.

Upon the memorial of John Rue, administrator on the estate of Benjamin Buck late of Farmingtown, deceas'd, shewing to this Assembly that the said estate is indebted the sum of £38 10*s*. 1*d*. more than the moveable estate in the hands of said administrator amounts to, and praying that this Assembly would appoint him, or some other meet person, to sell so much of the lands belonging to the estate of the said deceas'd as shall be sufficient to pay the sum aforesaid, &c.: [186] This || Assembly do thereupon appoint and impower the said John Rue to sell, by the direction of the court of probates in the county of Hartford, so much of the land belonging to the aforesaid estate of the said Benjamin Buck, deceas'd, as shall be sufficient for the paying of the aforesaid sum of £38 10*s*. 1*d*., and the necessary charges arising thereupon.

Upon the memorial of Benjamin Wright, administrator of the estate of Jonas Holmes late of Weathersfield, deceas'd, shewing to this Assembly that the debts due from said estate do surmount the personal estate of said deceas'd the sum of £141 18*s*. 0*d*., and there being no other way whereby the said debts can be paid but by the sale of some of the lands of the said deceas'd, and he praying for liberty to sell so much of the lands of said deceas'd as may enable him to pay said debts: This Assembly grants liberty and full power to the said Ben-

jamin Wright, to sell so much of the lands of said deceas'd (by the direction of the court of probate in Hartford) as may procure the said sum of £141 18*s.* 0*d.* for the payment of said debts, together with the necessary charges arising thereon.

Upon the memorial of David Ensign, administrator on the estate of David Ensign late of Hartford, deceas'd, shewing to this Assembly that the estate is indebted £215 7*s.* 8*d.* more than the moveable estate in the hands of said administrator amounts to, and praying this Assembly that they would appoint the said administrator, or some other meet person, to sell so much of the lands belonging to the estate of the said deceas'd as shall be sufficient to pay the sum aforesaid: This Assembly do thereupon appoint and impower the said David Ensign to sell (by the direction of the court of probate in the county of Hartford) so much of the land belonging to the aforesaid estate of the said David Ensign, deceas'd, as shall be sufficient for the paying of the aforesaid sum of £215 7*s.* 8*d.*, and necessary charges arising thereon.

Upon the petition of Thomas Thrall of Windsor against William Thrall, in reference to an arbitration between said parties, it appeareth to this Assembly that the said parties, in order to bind said arbitration, had given to each other a note of one hundred and fifty pounds, which were delivered to certain arbitrators, and that the parties were heard and an award given, and that in the said award said Thomas Thrall was ordered to pay to the said William Thrall the sum of £50 14*s.* 6*d.*, which sum said Thomas secured to said William by a note under his, said Thomas, hand. And whereas one Martha Thrall was also concerned in the said arbitration, and the said Thomas had engaged for her, which Martha was ordered by said arbitrators to give an acquittance to the said William, whereupon, after the giving up said award to the said Thomas and William, one of the arbitrators with the said William Thrall went to said Martha and requested of her said acquit-
[187] tance, but said || Martha insisted on it, that she would first hear the award, and that althô said award was not published to her, said Martha, yet the said arbitrator presently delivered the said note unto said William that was signed by said Thomas, and that thereupon the said William brought his action against the said Thomas at the adjourn'd county court holden at Hartford in June last past, and recovered judgment against him for the sum of £150, and hath since taken out execution; so that thereby the said Thomas Thrall is greatly wronged and oppressed, although he hath to his utmost power complyed with the award, since the said note was unduly delivered; thereupon the said Thomas praying for relief

in the premises: Therefore, be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, that the judgment of the said county court shall be reversed and made void, and the said judgment of the county court is hereby reversed and made void, and whatsoever hath been taken from said Thomas by force of said judgment shall be restored to him, and the said William Thrall shall take nothing thereby, but only the costs that he hath already receiv'd of the said Thomas Thrall. And since said note was delivered as aforesaid, and that said William had not a just right to take benefit thereby in the manner aforesaid, be it further enacted by the authority aforesaid, that if the said William Thrall shall at any time bring any other action or suit against the said Thomas, his heirs, executors or administrators, upon the said note delivered as aforesaid, this act shall and may be pleaded as a sufficient bar, and shall be taken and held for a sufficient bar in any such action or suit. And, forasmuch as the said Martha hath tendered a discharge to the said William Thrall, which is now lying before this Assembly, it is now resolved by this Assembly, that the said William shall and may take benefit thereby, and the secretary shall deliver the same, or offer to deliver it, to the said William Thrall.

Upon the memorial of Mr. Samuel Terry, William Ward, and sundry others, inhabitants and proprietors of a tract of land lying in the northerly corner of this government, and on the northerly side of the town of Ashford, commonly called and known by the name of Union, representing to this Assembly, that there are already a considerable number of families settled on said tract of land, who labour under great difficulties for want of town privileges, &c., and praying that said memorialists, &c., may have town privileges granted to them: This Assembly grants and enacts, that the said tract of land be made a township, and that the inhabitants thereof be allowed and invested with the rights and privileges usually granted to other towns, and that it be called by the name of [188] Union, and that the brand ‖ for their horses shall be the figure ϗ. And forasmuch as the inhabitants on the said tract of land are desirous to have the worship of God set up and maintained among them, and do complain of their present low and indigent circumstances and their inability to support the same: Ordered, that all persons claiming any lands within the place called Union shall enter their rights and claims to the lands in said town in the register's office in said town at or before the first day of May next, upon penalty of forfeiting the sum of twenty shillings per month for each neg-

lect of such entries to be made, to be paid to the treasurer of said town. And the inhabitants of the said town of Union are allowed and impowred for the space of four years next ensuing, to levy a rate or tax of three pence per acre of such persons as have or claim said lands, according to the direction of the laws directing for the gathering ministers' rates; and if any person complain he is over rated, he or they may make their application to the county court in the county of Windham, who are impowred to hear and adjust that affair; and the money raised as aforesaid shall, by the collector of said town, be paid into the hands of Timothy Pierce, Esq^{r}, who, together with Messrs. John Parrey and Philip Eastman, are to improve the same in manner following, (viz:) two third parts of said sum to be annually paid to such orthodox gospel minister as shall be improved among them, and the other third part to be improved for building a meeting house, or other disbursements necessary for maintaining the worship of God in said town.

Upon the petition of John Lambert, late of Lyme, now of New Lebanon in the Province of New York, shewing to this Assembly that he brought his action against James Harriss of Newlondon in the county of Newlondon, for the recovery of £36 money due by note, and that he lost said action at the county court held at Newlondon June 13th, 1732, and that said Harriss recovered judgment of said court for his cost; praying this Assembly for a reversal of said judgment, and that he might be allowed the liberty of another tryal in said case, &c.: Resolved by this Assembly, that the aforesaid judgment be reversed, with all the doings thereon, that the said Lambert have the liberty of another tryal of said cause at the county court to be held at Newlondon on the fourth Tuesday of November next, and that all the cost follow the final judgment in said cause.

Upon the petition of Joseph Thompson of Inner Temple, London, Esq^{r}, *vs.* the proprietors of Killingsly in the county of Windham and also Daniel Cadey of said Killingsly, shewing to this Assembly that he being heir to Major Robert Thompson of London, late deceas'd, claims two thousand acres of land that lyeth in the present bounds of said Killingsly, which was granted and surveyed to his ancestor by the Prov-
[189] ince of the Massachusetts Bay, ‖ and allowed and confirmed to him by the agreement of the commissioners from each government impowred to settle the divisional line between the governments, &c., and for which this government among other lands have received an equivalent; and that in May,

1708, this Assembly granted that Killingsly north bounds should be on the Massachusetts line, &c., which, thô unsettled, was reputed to be at the south bounds of Woodstock; yet the proprietors of Killingsly, after the settlement of the said divisional line, which is about ten miles north of where it was reputed to be, entered upon and divided great part of the land north of their bounds aforesaid, and also made some pretence of having a right to the petitioner's land as well as of other such like claimers; and thereupon this Assembly, to prevent disputes and controversies and to quiet the petitioner in his said claim, did, in May, 1728, grant unto the proprietors of Killingly that tract of land lying north of their former grant and south of the Colony line, excepting such as was in said claims under the Massachusetts grants confirmed as aforesaid, upon condition that the proprietors of Killingly do not molest or disturb any of the claimers aforesaid on that part of their land which by their surveys are extended southward of the said old reputed line, which was sometimes called Woodward and Saffery's line; which grant was made in addition to their former or old grant; and that the said proprietors of Killingly not only entered upon, &c., but hold, improve and are quieted in the possession of great part of the lands in said north addition by force of said grant, whereby it appears they have and do accept the same; and thereupon prays this Assembly would determine, whether or no the said proprietors, or any under them, are not estopped from molesting him, &c. And further, the petitioner complains of a judgment given against him in favour of said Cadey then defendant, at the superiour court held in Windham in March, 173½, and praying for another tryal of said case: Resolved and determined by this Assembly, that the said proprietors of Killingly, and all holding under them, by their acceptance of the aforesaid additional grant in manner as aforesaid and by which they are quieted as aforesaid, are foreclosed and estopped from molesting and disturbing said Thompson in his claim aforesaid, by force of the aforesaid antient grant made to Killingly in May, 1708. And it is hereby resolved and declared, that they, and all claiming under them, are foreclosed and estopped from pleading and improving any title accrued by force of said old grant or derived from it in opposition to the said Thompson's claim to the said 2000 acres quieted as aforesaid. And thereupon it is further resolved by this Assembly, that the aforesaid judgment complained of shall be reversed, and the same is reversed, and that the petitioner have another tryal of his case against said Cadey at the superiour court to be held in Wind-

ham on the third Tuesday of March next, as prayed for; and that the whole costs follow the final judgment therein.

[190] Upon the memorial of the agents of the town of Lebanon, shewing to this Assembly that by an act of this Assembly in May last it is provided and enacted that each propriety in that town shall find the highways that are or shall be needful, at the joynt charge of the propriety in which such highways are or shall be wanted, and particularly one in the Five Mile, already laid out across Mr. Samuel Williams' land, &c., and no way is by said act provided to enable the said several proprieties to raise money for the defraying any charges that have or may arise in paying for such highways: It is thereupon resolved by this Assembly, that the inhabitants, proprietors of lands, of each of the several proprieties in said town, shall have full liberty and power to warn and hold their meetings, choose their clerk and collectors, and by their major vote, to be reckoned by their polls, to raise money for the end aforesaid, in the same manner and form as proprietors of the common and undivided lands in the towns in this Colony are by law allowed, and the same power is hereby granted unto them; and that the said clerks shall be sworn, and he and said collectors shall have the same power as is provided by law for such officers of the proprietors of the undivided land aforesaid. And it is further provided, that the inhabitants shall have full power in their meeting, by their major vote, to agree upon any highway they shall think needful; and, upon their agreeing with the owner of any lands on which the same shall be laid, the same shall be deemed a highway. And it is further provided and enacted, that the inhabitants of each of said proprieties shall raise the taxes for the end aforesaid on the publick list of the inhabitants proprietors of their respective proprieties, unless they shall in their first meeting agree on some other method and put the same on their record, and that for the future to be the rule. And it is further provided and enacted, that by such agreement no person shall have any tax raised upon nor collected of him that is taxed in any of said proprieties by their proceeding upon the rule by this act stated as above, in which he is an inhabitant proprietor as aforesaid.

To the Hon^ble^ General Assembly: We the subscribers, being appointed to consider and report what may be proper to be done in respect to the Work-House at Hartford, that it may answer the good end proposed in erecting the same, beg leave humbly to propose to this Assembly, that for the year advancing there be the sum of £60, two third parts of it drawn out of the Colony treasury and one third part out of the treas-

ury of the county of Hartford, to be disposed of by the judges of the county court in Hartford county, part of which for hiring of a good and suitable master for said house, and what remains of said £60 for procuring bedding and materials suitable to imploy those persons which shall be sent to said house of correction. And we humbly propose that the said county court be directed in their agreement with the master of said [191] house, to allow || him one third part of the earnings of all the persons under his care, (not to be accounted for,) to encourage him to keep them well applied to such labour as may be most to their and the publick advantage; and also that the said master be enjoyned in his covenant not to exact more than eight shillings per week for boarding each person committed to said house during the time they continue in said house, (except it be in the time of sickness.) This is what we are of opinion may be best to be done at present, and hope will in some good measure answer for the better regulation and government of the said house till further provision be made. All which is humbly submitted to your Honours' wise consideration, by your Honours' most obedient humble servants,

William Pitkin, David Buel,
John Marsh, William Throop.
Samuel Couch,

The aforegoing report is accepted and approved by this Assembly, and ordered to be recorded.

Upon the memorial of Luke Brumbley and Priscilla Brumbley, of Preston in the county of Newlondon, administrators on the estate of Nathaniel Ayres, of Voluntown in the county of Windham, deceas'd, shewing to this Assembly that the said estate is indebted £10 5*s*. 0*d*. more than the £32 11*s*. 9*d*. shewn to this Assembly in their sessions in May last, and that there is not moveable estate in the hands of the said administrators to pay the same, and praying this Assembly to appoint them or some other person to sell so much of the lands of the deceas'd as shall be sufficient to pay the sum aforesaid: This Assembly do hereby appoint and impower the said Luke Brumbley and Priscilla Brumbley to sell, by the direction of the court of probate in the county of Windham, so much of the lands belonging to the estate aforesaid as shall be sufficient for the payment of the aforesaid sum of £10 5*s*. 0*d*. and the necessary charges arising thereupon.

Upon the memorial of Gideon Chittendon of Guilford, shewing to this Assembly that, being greatly distressed by the loss of his house by fire, [he] did, inadvertently, neglect giving in his list of estate in the year 1733, whereby he was assessed

fourfold his whole estate, and he praying that he may have his country rate arising by said list given him: This Assembly grants to said Chittendon his said rate, so much thereof as belongs to the publick treasury, in consideration of his said loss.

Upon the memorial of Pelatiah Allyn and Mary his wife, of Windsor in the county of Hartford, shewing this Assembly that they have the right to a certain tract of land in the town of Bolton, which was formerly belonging to Colo John Talcott, formerly of Hartford, now deceas'd, praying for a patent of confirmation of said tract of land as it is now butted and bounded by a survey thereof made by Capt. Thomas Wells, dated April 29th, 1734: Resolved by this Assembly, that the said Pelatiah Allyn and Mary Allyn have a patent of confirmation of said land executed in due form of law, as it is butted and bounded in the survey thereof made by Capt. Thomas Wells, surveyour for the county of Hartford, dated April 29th, 1734, to them, their heirs and assigns forever.

Whereas Richard Abbey, Experience Porter and Ebenezer Grey, were by this Assembly in May last appointed a commit-
[192] tee to repair to the western part of the first society ‖ in Norwich and consider their circumstances, &c., and have accordingly reported to this Assembly that they are of opinion that the lands of the first society to the westward and northward of a line beginning at the river at Scotch Capp, where the pond brook runs into the river, then running northeasterly by the west society line to Lebanon road, thence by said road to the bridge at Bradford brook, thence by said brook to the mouth of said brook at the river, thence to the mouth of Cranberry Pond brook at the river, then running up said brook to Cranberry pond, (exclusive of all the lands of Nehemiah Waterman,) thence up said brook to the Dark Swamp, from thence to the head of the swamp, and thence to the Mirey Swamp, thence down said brook to where it runs into Trading Cove brook, from thence south to the town line; which report this Assembly doth accept and approve, and thereupon do resolve and enact, that said inhabitants within the abovementioned bounds shall forever hereafter be dismissed and freed from paying any ministerial or society charge in the said first society; provided they maintain and support the preaching of the gospel among themselves in a regular way six months in each year.

This Assembly grants a rate of one penny on the pound on all the polls and rateable estate in this government, to be paid into the treasury in the bills of credit of this Colony with the usual advance of twelve pence on the pound; or in good bills

of credit of four signers of the Massachusetts Bay, or in the bills of credit of New York, without advance on them; or in silver money as it now passeth in the country.

Upon the memorial of Doctor James Laborie of Stratford, shewing to this Assembly that he hath been in the practice of physick for many years under the conduct and direction of his father, who was a gentleman well known of great skill and practice, and since his father's death hath well approved himself therein to good satisfaction, and being desirous for the future to practice under the allowance of this Assembly, and praying a lycence so to do: This Assembly grants a lycence to the said Doctor James Laborie to practice physick for the future as aforesaid.

Upon the memorial of Elizabeth Burr, mother of David Burr of Fairfield, with the brethren and sisters of the said David Burr, shewing to this Assembly that the said David Burr is naturally wanting of understanding, so that he is not capable of taking care of himself, and the incomes of his estate is not sufficient to support him, and praying to this Assembly that the whole estate of the said David Burr may be sold, and that some suitable person or persons may be appointed to make sale of the same and to put out the money [193] that it shall produce at interest, ‖ for the use of the said David Burr: This Assembly grants liberty to sell the whole estate of the said David Burr, and that Messrs. Andrew Burr and Stephen Burr, of said Fairfield, are appointed to make sale of the same and put out the money it shall produce to interest, for the use of the said David Burr.

On the petition of Solomon Adkins, of Midletown, and the rest of the inhabitants of the town of Midletown, *vs.* Giles Hall, of Midletown, and the rest of the proprietors of the common and undivided lands in said town of Midletown: The question was put, whether the prayer thereof should be granted, and resolved by this Assembly in the negative. *Cost allow'd respondents is* £5 6*s.* 4*d.* *Ex. granted March* 11*th*, 173$\frac{4}{5}$.

On the petition of Pelatiah Allyn *vs.* William Thrall: The question was put, whether the pleas offered in abatement thereof are sufficient, and resolved by this Assembly in the affirmative.

On the petition of William Thrall of Windsor *vs.* Jonathan Ellsworth of Windsor: The question was put, whether the pleas offered by the respondent in bar of the said petition are sufficient, and resolved by this Assembly in the affirmative. *Cost allow'd respondent is* £3 14*s.* 10*d.* *Ex. granted Novem.* 15*th*, 1734.

On the petition of Robert Wheeler of Stratford *vs.* Thomas Levingsworth of said Stratford: The question was put, whether the petitioner shall have one tryal more of his case, &c., as prayed for, and resolved by this Assembly in the negative.

On the petition of the proprietors of the common and undivided lands of the town of Fairfield *vs.* John Lockwood of Fairfield: The question was put, whether the pleas offered in bar of the said petition are sufficient, and resolved by this Assembly in the affirmative.

On the petition of Godfrey Malbone of Newport, &c., *vs.* Charles Hazelton of Killingsworth: The question was put, whether the prayer thereof should be granted, and resolved by this Assembly in the negative. *Cost allowed respondent* 4*l.* 12*s.* 4*d.* *Ex. granted Novem*^{r} 1*st*, 1734.

On the petition of Samuel Cheesbrough, jun^{r}, of Stoningtown, *vs.* Jedadiah Cheesbrough and Zebulon Cheesbrough: The queston was put, whether the pleas offered in bar thereof are sufficient, and resolved by this Assembly in the affirmative. *Cost allow'd respondents* 4*l.* 12*s.* 10*d.*

An Act for Altering the Place for holding the Superiour and County Courts in and for the County of Newlondon.

This Assembly considering that the holding of said courts sometimes in the town of Norwich in said county will well accommodate his Majesty's subjects: Therefore,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future the superiour court be held in and for said county of Newlondon on the second Tuesday of March annually, and that the county court to be held in and for said county on the fourth Tuesday of November annually, after the end of the sessions of the next county court to be holden in Newlondon, shall be held in the said town of Norwich annually; and that all actions or causes depending in the supe- [194] riour court in said county, ‖ either by continuance or review, shall be entered and tryed in the superiour court to be held in said Norwich, as thô the same was not removed from Newlondon; provided, that the judges of the said county court shall have liberty to adjourn to and hold their adjourn'd county courts either in the town of Newlondon or Norwich, as they judge convenient; provided also, that the said town of Norwich, at their own proper cost and charge, without putting the said county or the publick to any charge, do make and provide a good and sufficient goal in said town for the safe custody of prisoners, before the last Tuesday of February next, and also

build and provide a sufficient and convenient house for the entertaining and holding of the said courts in said town, at or before the last Tuesday of February next come twelve month; and that the judges of the respective courts, for want of such conveniency for holding said courts in, shall have liberty to adjourn to and hold such courts in the town of New-london aforesaid, anything in the above act notwithstanding.

A List of the Rateable Estate of the following Towns in this Colony, (viz:)

	l.	*s.*	*d.*		*l.*	*s.*	*d.*
Milford,	23524	16	0½	New London,			
Windham,	16281	11	9	Stoningtown,	20908	10	0
Killingly,	13457	0	0	Say-Brook,	14391	6	0
East Haddam,	10956	6	0	Durham,	8718	16	9
Haddam,	7198	5	10	Derby,	6614	10	9
Colchester,	14196	11	6	Norwich,	31218	4	6
Woodbery,	10658	0	6	Lebanon,	23869	5	9
Killingsworth,	8832	19	11	Hartford,	31732	19	4
Midletown,	25873	10	0	Norwalk,	20529	0	2½
Danbury,	9619	11	0	Fairfield,	35582	19	4
Groton,	15351	10	3	New Haven,	38260	11	0½
Plainfield,	8231	18	9	Windsor,	24352	14	9
Hebron,	9735	19	0	New Milford,	5089	19	6
Ashford,	5597	0	0	Weathersfield,	21774	4	9
Coventry,	8214	5	4	Branford,	16371	15	9
Greenwich,	13957	10	0	Preston,	12090	11	0
Farmingtown,	22227	9	6	Mansfield,	7092	0	0
Stanford,	20329	12	6	Waterbury,	7951	8	0
Stratford,	28899	9	3	Symsbury,	10718	6	0
Glassenbury,	8402	1	6	Guilford,	22456	18	6
Pomfrett,	9637	19	0	Canterbury,	8785	3	9
Lyme,	15251	4	0				

[195] Upon the memorial of Thomas Read, Edmond Warcing and others, inhabitants of the west part of the prime or ancient society of the town of Norwalk, praying to be made a distinct ecclesiastical society, or for a committee to view their circumstances, &c.: Resolved by this Assembly, that Edmund Lewiss, Esq^r, and Mr. Seth Samuel Burr, and Mr. John Thompson of Stratford, be a committee for the purpose aforesaid; and they are hereby desired and fully impowred, at the charge of the memorialists, and at their request, to repair to the said place and view their circumstances, and make report thereof to this Assembly at their sessions in May next.

Upon the memorial of David Reignolds and Nathaniel Huested, &c., shewing to this Assembly that the East Society in Greenwich have in their society meeting, held in Greenwich

August 10th, 1733, voted and agreed to build a meeting house for the publick worship of God, and have also voted and agreed that said house be erected in the place where the old meeting house stood, and praying for the countenance and liberty of this Assembly therein: This Assembly grants liberty to said memorialists to erect and set up said house in the place abovementioned, according to the aforesaid agreement of said society.

Upon the memorial of John Copp and Susannah Mead, administrators on the estate of James Mead late of Greenwich deceas'd, shewing that the debts due from said estate surmount the moveable estate of said deceas'd, and praying for liberty to sell the lands of the said deceas'd to answer the said debts, as far as it will go: Resolved by this Assembly, that the said administrators be impowred to sell and dispose of the real estate of said deceas'd, taking the direction of the court of probates in Fairfield, or so much thereof as may be necessary to answer the debts aforesaid.

An Act ordering how Writs shall be directed.

Whereas, by a custom that hath obtained in some places in this government, many writs have been needlessly directed to persons not qualified to serve or duly to return such writs: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That all writs and processes that shall be granted and go forth, from and after the first day of January next, shall be directed to the sheriff, his deputy, or some constable, if such officer can be had without great charge or inconvenience. And in every case wherein any magistrate, justice of the peace, or clerk of any court, shall find it necessary to direct any writ to any indifferent person, such officer shall insert the name of the indifferent person in the said writ, and also the reason moving such officer so to direct his writ; and if any writ be otherwise directed, it shall abate. Always provided, nothing in this act shall be understood to extend to writs directed to collectors of any rate, or to writs to summon witnesses, or to any warrants that may be granted by any military officer or officers.

[196] Upon the memorial of the inhabitants of Chestnutt Hill, lying in the first society in Newhaven: This Assembly grants that said inhabitants shall have liberty to maintain the preaching of the gospel among themselves from the first of December to the end of March, annually; and for such time as they shall maintain preaching amongst themselves as aforesaid, they shall be freed from paying taxes for the support of

the ministry in the said first society; to continue for five years now next ensuing, and no longer.

Upon the memorial of Benjamin Judd, junr, of Farmingtown in the county of Hartford, administrator on the estate of John North, late of Midletown in said county, deceas'd, shewing to this Assembly that the just debts of said deceas'd amounted to twenty-one pounds four shillings and eleven pence more than the moveable estate of the said deceas'd; praying this Assembly for liberty to sell so much of the lands of said deceas'd as to pay said £21 4*s*. 11*d*., with the necessary cost he should be at: Resolved by this Assembly, that Mr. Isaac Hart of Kensington have liberty to sell so much of the lands of the said John North deceas'd, as to pay and satisfy the said £21 4*s*. 11*d*. with the just cost he shall be at; and the said Hart is hereby appointed and fully impowred, with the direction of the court of probate for the district of Hartford, to sell so much of the lands of said John North deceas'd as to satisfy the said £21 4*s*. 11*d*. with the just cost arisen and that shall arise in the sale thereof.

Whereas this Assembly did, at their session at New Haven, Oct., 1720, order the sum of ten pounds to be paid out of the publick treasury of this Colony toward repairing the half of the bridge between the towns of Stonington and Westerly, and the remainder of the charge thereof to be paid by the town of Stoningtown, and that the selectmen of said town should take effectual care that said half part of said bridge should be always maintained and kept in good repair by said town of Stoningtown until this Assembly should order otherwise: And whereas the said selectmen of Stoningtown have been very negligent in said affair, for want of some suitable provision in said act to enforce it, notwithstanding the little charge they are at to maintain any other bridges in the country road:

Be it therefore enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That, in case the said town of Stoningtown shall not erect and compleat the one-half of said bridge within nine months next after any one of their selectmens being duly certifyed of the readiness of the government of Rhoad Island, or town of Westerly, to joyn with them in said affair, then the treasurer of this Colony, upon due certification thereof, shall immediately send forth his warrant directed to the constable of said Stoningtown, requiring him to levy and collect of the inhabitants of said Stoningtown the sum of three hun- [197] dred pounds, which sum, so collected, ‖ shall be paid

to said treasurer by said constable of Stoningtown within three months after his receiving said warrant, in order to be improv'd to the use aforesaid. And in case the said town of Stoningtown shall not maintain and keep in due repair, according to the aforesaid act, the one-half of said bridge, after it is thus erected, they shall forfeit the sum of fifty shillings per week, to be collected in manner aforesaid.

And it is further enacted, That a copy of this act be forthwith transmitted to the Governour of Rhoad Island.

Upon the memorial of Peter Tyler, Samuel Harington, Bezaleel Tyler, and others of the northerly inhabitants in the north parish in Branford, praying this Assembly to grant them liberty to improve some meet person to preach the gospel to them in the months of December, January, February and March, annually, and to abate their minister's rate during said term, &c.: It is resolved and enacted by this Assembly, that the said memorialists shall have liberty to improve some orthodox allowed minister of the gospel, to preach the gospel amongst them in the months aforesaid annually, and that during the time they shall improve such person to preach to them in the months aforesaid, they shall be freed from paying minister's rates to the said north society, and that they shall have the same powers and privileges as other villages have that have obtained the like liberty.

Forasmuch as the town of Wallingford have not sent in the list of the rateable estate of said town to this Assembly, well vouched according to law: It is resolved by this Assembly, that said town shall be doomed, and they are hereby doomed and ordered to pay taxes the year ensuing proportionable to a list of £28000 pounds rateable estate, and to receive their school money accordingly.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That Samuel Eells, Roger Wolcott and James Wadsworth, Esq^{rs}, or any two of them, shall be a committee, with full power to agree with Mr. Gurdon Saltonstall for the delivery of the arms and warlike stores, now in the keeping of said Mr. Saltonstall, which were used by the souldiers of this Colony in an expedition to Wood Creek and were in the keeping of the Hon^{ble} Gurdon Saltonstall, Esq^{r}, deceas'd, and to receive said arms, &c., for the use of this Colony, and upon their receipt of said arms, &c., to make and give a sufficient acquittance and discharge for the arms and stores receiv'd by said Gurdon Saltonstall, Esq^{r}. And said committee having received said arms and warlike stores, they are to make a true

inventory thereof, and to lodge said arms, &c., with some suitable person in Newlondon, and agree for the price of storage, and to deliver an inventory and receipt of said arms and warlike stores, signed by the person in whose keeping the same shall be lodged, unto the Secretary of this Colony.

Upon the memorial of Benjamin Hutchinson of Windsor, [198] shewing to || this Assembly that he lately had his house, shop, goods, notes of hand, bills and bonds, burnt and wholly consumed by fire, and that he is in danger of losing the debts due to him by such specialties, not being able to shew the same in evidence of such debts, and he having no remedy in the common course of the law, praying to this Assembly for relief: Whereupon it is resolved and enacted by this Assembly, that the said Hutchinson shall have liberty to bring his action of the case against any such debtors as aforesaid, declaring that such defendant did owe him such sum by some such specialty, (viz.) by bond, bill, or note of hand, &c., as near as he can remember the sum, and that the same note, bill or bond, was burnt in said house, and that the defendant refuses to pay, &c.; which actions he shall bring into any court as by law are already provided actions are to be brought; and when any such action is brought by said Hutchinson, the county court, to which the same shall come in manner and form aforesaid, are hereby impowred and directed to enquire into the matters of fact by witnesses, if any may be had, and if they think needful by examining the parties, either under oath or otherways as they shall think proper, and give judgment and award execution for so much as they shall in equity find due, with cost; and if any defendant shall refuse to be examined as aforesaid, being present in court, the court shall make up judgment against him for the whole demand of the plaintiff; and if any defendant so sued shall make default in his appearance, the process being well served, the court shall proceed to and make up judgment against him as in cases on default by law already provided.

Cost allowed Mathew Bellamy against Matthias Hitchcock for attendance to answer his petition withdrawn is £0 19*s.* 10*d.*

Upon the petition of John Bates, jun^r^, and Nathaniel Sealey, jun^r^, of Stanford, *vs.* Anthony Demill of said place, complaining to this Assembly of a judgment recovered against them in favour of said Demill in the superiour court held in Fairfield in August last, on a writ of partition, wherein they have neglected to cite in their vouchers, and praying for another tryal in said case: Resolved by this Assembly, that the

petitioners be allowed another tryal of said case in the superiour court to be held in Fairfield on the last Tuesday of February next, that so in case their vouchers can't defend them, being called thereto, they may have their actions against them for recovering of damages sustained.

Upon the memorial of Stephen Nobles, administrator on the estate of Isaac Deforest of New Milford, deceas'd, praying for liberty to sell of the real estate of the intestate to pay debts due from said estate: Resolved and enacted by this Assembly, that the said Stephen Nobles, administrator, shall [199] have ‖ power, and he is hereby fully impowred, (by and with the advice of the court of probate at Woodbury,) to sell and convey so much of the real estate of the intestate as shall amount to the sum of £71 6*s*. 4*d*. and necessary charges.

This Assembly grants Mr. Secretary Wyllys, for his salary this year, ten pounds out of the publick treasury.

This Assembly grants to Mr. Timothy Green, printer, for his half years salary, twenty-five pounds out of the publick treasury.

On the petition of John Bates, jun^{r}, and Nath^{l} Sealey, jun^{r}, *vs.* Anthony Demill, &c.: The questions were put, 1. Whether the law be so that the acknowledgment of a deed of land made after the date of the execution of it has relation to the said date, so that the deed becomes effectual in the law to transfer the title at the date of the deed, before the acknowledgment made; and resolved by this Assembly in the negative. 2ly. Whether the petitioners inadvertent omission of calling in his voucher should by the favour of this Assembly be allowed the liberty of another tryal, that in case his voucher cannot defend the petitioner he may have his action against his voucher; and resolved by this Assembly in the affirmative.

An Act in Addition to the Law entituled An Act for the Preventing and Punishing any Person or Society who shall strike or emit any Bills of Credit, &c., made and passed in the Sixth Year of his present Majesty King George the Second.

Be it declared and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any person, society, or number of persons, shall presume to strike, emit, put out or vend, any notes to be used and improved as a medium of trade and in lieu of money, that every such person, society, or number of persons, shall be subject to the same pains and penalties as such are who are convicted of forging or counterfeiting bills of credit emitted by this government; provided this act continue in force for the space of one year, and no longer.

The several acts, grants and orders of this Assembly, as they stand entered in the pages of this book next preceding, were read in the presence of both Houses, and by them ordered to be signed by the Secretary as perfect and compleat.

GEORGE WYLLYS, Secret^{r}y.

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[200] *CONNECTICUTT COLONY.*

AT A GENERAL ASSEMBLY HOLDEN AT HARTFORD, IN HIS MAJESTY'S ENGLISH COLONY OF CONNECTICUTT IN NEW ENGLAND IN AMERICA, ON THURSDAY THE 8TH DAY OF MAY, ANNO REGNI REGIS GEORGII 2DI, MAGNÆ BRITANNIÆ, &C., 8VO, ANNOQUE DOMINI 1735.

Present,

The Honourable Joseph Talcott, Esq^{r}, Governour.
The Hon^{ble} Jonathan Law, Esq^{r}, Deputy Governour.

Samuel Eells,	Timothy Pierce,	Esq^{rs}, *Assistants.*
Roger Wolcott,	John Burr,	
James Wadsworth,	Samuel Lynde,	
Nath^{l} Stanly,	Edmund Lewiss,	
Jos. Whiting,	William Pitkin,	
Ozias Pitkin,	Thomas Fitch,	

Representatives or Deputies that were returned to attend at this Assembly, are as follow, (viz:)

Mr. John Marsh, Mr. Joseph Pitkin, for Hartford.
Mr. John Richards, Mr. Jeremiah Miller, for New London.
Mr. Richard Abbee, Mr. Jabez Huntington, for Windham.
Mr. Josiah Conant, Mr. Thos. Stores, for Mansfield.
Mr. John Bulkley, Mr. Israel Newton, for Colchester.
Mr. Jonathan Hoit, Mr. Jonath^{n} Maltbie, for Stanford.
Mr. Roger Newton, Mr. John Fowler, for Milford.
Mr. John Riggs, Mr. Gideon Johnson, for Derby.
Mr. Joseph Addams, Mr. Jabez Fitch, for Canterbury.
Mr. Sam^{l} Hill, Mr. Tho^{s} Hotchkiss, for Guilford.
Mr. John Whittlesey, Mr. Andrew Ward,* for Saybrook.
Mr. Daniel Palmer, Mr. Israel Hewett, for Stonington.
Mr. Stephen Noble, Mr. John Bostwick, for New Milford.
Mr. John Sabin, Mr. Benj^{a} Sabin, for Pomfrett.
Mr. John Griswould, Mr. John Lee, for Lyme.
Mr. Isaac Dickerman, Mr. Jonathan Alling, for New Haven.
Mr. Andrew Burr, Mr. Samuel Burr, for Fairfield.

* The Journal of the Lower House correctly reads, Andrew Lord.

Mr. Benajah Bushnell, Mr. Joseph Tracey, for Norwich.
Mr. James Avery, Mr. Humphrey Avery, for Groton.
Mr. Samuel Hanford, Mr. James Lockwood, for Norwalk.
Mr. John Curtice, Mr. Ephraim Minor, for Woodbury.
Mr. David Judson, Mr. Daniel Halley, for Stratford.
Mr. Peter Buell, Mr. Joseph Strong, for Coventry.
Mr. John Humphrey, Mr. James Case, for Symsbury.
Mr. Benjamin Hall, Mr. Theophilus Yale, for Wallingford.
Mr. John Perry, Mr. Philip Eastman, for Ashford.
Mr. William Wadsworth, Mr. Anthony Judd, for Farmington.
Mr. David Buel, Mr. Daniel Griswould, for Killingsworth.
Mr. John Russell, Mr. Samuel Maltbie, for Branford.
Mr. Ebenezer West, Mr. William Throop, for Lebanon.
[201] Mr. Stephen Hopkins, Mr. Joseph Lewiss, for Waterbury.
Mr. Henry Wolcott, Mr. Henry Allyn, for Windsor.
Mr. James Reynolds, Mr. Nathan Huestead, for Greenwich.
Mr. James Leavinz, Mr. Simon Bryant, for Killingly.
Mr. Ephraim Kingsbury, Mr. William Marsh, for Plainfield.
Mr. John Grigory, Mr. John Starr, for Danbury.
Mr. George Phillips, for Midletown.
Mr. Isaac Spencer, for Haddam.
Mr. James Brainerd, for East Haddam.
Mr. David Goodrich, Mr. John Chester, for Weathersfield.
Mr. Henry Crane, Mr. Nathan Camp, for Durham.
Mr. Jedadiah Tracey, Mr. John Cook, for Preston.
Mr. Nath[l] Talcott, Mr. David Hubbard, for Glassenbury.
Mr. Hez[h] Gaylord, Mr. Jo[s] Phelps, for Hebron.

Mr. Roger Newton, Speaker, } of the House of Represent-
Mr. John Russell, Clerk, } atives.

This day being appointed by charter and the laws of this Colony for the Election of the publick officers of this corporation, (viz.) the Governour, Deputy Governour, Assistants, Treasurer, and Secretary, and proclamation being made, the freemen proceeded to bring in their votes to persons chosen by the Governour, Council and Representatives, to receive, sort and count them. The persons so chosen and appointed were, James Wadsworth, Esq[r], Nath[l] Stanly, Esq[r], Joseph Whiting, Esq[r], Timothy Pierce, Esq[r], John Burr, Esq[r], Samuel Lynde, Esq[r], Edmund Lewiss, Esq[r], William Pitkin, Esq[r], Thomas Fitch, Esq[r], Mr. Joseph Pitkin, Mr. John Bulkley, Mr. Isaac Dickerman, Mr. John Russell, Mr. John Richards, Mr. John Griswould, Mr. Jonathan Hoyt, Mr. Samuel Burr, Mr. Richard Abbe, and Mr. Josiah Conant. And the freemen's votes being bro't in, sorted and counted,

The Honourable Joseph Talcott, Esq^{r}, was chosen Governour of this Colony for the year ensuing, and the Governour's oath, and the oath required by act of Parliament, relating to trade and navigation, were administred to him in the presence of the Assembly.

The Hon^{ble} Jonathan Law, Esq^{r}, was chosen Deputy Governour of this Colony for the year ensuing, and the Deputy Governour's oath was administred to him in the presence of the Assembly.

Samuel Eells, Esq^{r}, Roger Wolcott, Esq^{r}, James Wadsworth, Esq^{r}, Nathaniel Stanly, Esq^{r}, Joseph Whiting, Esq^{r}, Ozias Pitkin, Esq^{r}, Timothy Pierce, Esq^{r}, John Burr, Esq^{r}, Samuel Lynde, Esq^{r}, Edmund Lewiss, Esq^{r}, William Pitkin, Esq^{r}, and Thomas Fitch, Esq^{r}, were chosen Assistants for the year ensuing, and the Assistant's oath was administred to them in the presence of the Assembly.

Mr. John Whiting was chosen Treasurer of this Colony for the year ensuing, and the Treasurer's oath was administred to him in the presence of the Assembly.

And George Wyllys was chosen Secretary of this Colony for the year ensuing, and was accordingly sworn to that office and trust in the presence of the Assembly.

[202] This Assembly do appoint the Honourable Jonathan Law, Esq^{r}, to be Chief Judge of the Superiour Courts in this Colony for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^{r}, Roger Wolcott, Esq^{r}, James Wadsworth, Esq^{r}, and Joseph Whiting, Esq^{r}, to be Judges of the Superiour Courts in this Colony for the year ensuing.

This Assembly do appoint William Pitkin, Esq^{r}, to be Judge of the County Courts in the county of Hartford for the year ensuing.

This Assembly do appoint Samuel Eells, Esq^{r}, to be Judge of the County Courts in the county of New Haven for the year ensuing.

This Assembly do appoint Samuel Lynde, Esq^{r}, to be Judge of the County Courts in the county of Newlondon for the year ensuing.

This Assembly do appoint John Burr, Esq^{r}, to be Judge of the County Courts in the county of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^{r}, to be Judge of the County Courts in the county of Windham for the year ensuing.

This Assembly do appoint the Honourable Joseph Talcott, Esq^{r}, to be Judge of the Court of Probate in the district of Hartford for the year ensuing.

This Assembly do appoint Joseph Whiting, Esq^{r}, to be Judge of the Court of Probate in the district of New Haven for the year ensuing.

This Assembly do appoint Joshua Hempstead, Esq^{r}, to be Judge of the Court of Probate in the district of Newlondon for the year ensuing.

This Assembly do appoint John Burr, Esq^{r}, to be Judge of the Court of Probate in the district of Fairfield for the year ensuing.

This Assembly do appoint Timothy Pierce, Esq^{r}, to be Judge of the Court of Probate in the district of Windham for the year ensuing.

This Assembly do appoint Mr. James Hooker to be Judge of the Court of Probate in the district of Guilford for the year ensuing.

This Assembly do appoint Mr. Jonathan Hoyt to be Judge of the Court of Probate in the district of Stanford for the year ensuing.

This Assembly do appoint Mr. Joseph Minor to be Judge of the Court of Probate in the district of Woodbury for the year ensuing.

This Assembly do appoint Samuel Mather, David Goodrich, William Wadsworth, John Marsh, and Thomas Wells, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Hartford for the year ensuing.

This Assembly do appoint Mathew Allyn, Esq^{r}, John Hooker, Esq^{r}, Hezekiah Wyllys, Henry Allyn, John Chester, Giles Hall, Jabez Hamlin, Joseph White, James Wells, Sam^{l} Olmstead, John Bulkley, Nath^{l} Foot, John Humphrey, John Huntington, John Buell, Joseph Bird, Esq^{rs}, to be Justices of the Peace in and for the county of Hartford the year ensuing.

This Assembly do appoint Samuel Bishop, James Hooker, John Riggs, Roger Newton, and John Russell, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of New Haven for the year ensuing.

[203] This Assembly do appoint Thomas Judd, Theophilus Yale, Andrew Ward, Janna Meiggs, Samuel Hill, Samuel Gunn, Henry Crane, Sam^{l} Hall, Benjamin Hall, John Bostwick, jun^{r}, Roger Brownson, Timothy Hopkins, Isaac Dickerman, John Prout, and Tho^{s} Clark, Esq^{rs}, to be Justices of

the Peace in and for the county of New Haven for the year ensuing.

This Assembly do appoint Daniel Palmer, John Brown, Joseph Backus, Joshua Hempstead, and Benajah Bushnell, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Newlondon for the year ensuing.

This Assembly do appoint James Morgan, Joseph Minor, Christopher Avery, James Avery, John Cook, Hezekiah Parks, Jabez Perkins, Jabez Hide, William Hide, jun^{r}, Richard Christophers, Thomas Prentiss, Jeremiah Miller, Thomas Lee, John Griswould, Richard Lord, Samuel Willard, Joseph Blague, Nathaniel Clark, Abraham Pierson, David Buell, Theophilus Baldwin, and John Richards, and Humphrey Avery, Esq^{rs}, to be Justices of the Peace in and for the county of New London for the year ensuing.

This Assembly do appoint Joseph Platt, Joseph Minor, Andrew Burr, John Thompson, and Jonathan Hoyt, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Fairfield the year ensuing.

This Assembly do appoint John Grigory, Samuel Couch, William Preston, Tho^{s} Bennett, James Bebee, John Copp, Moses Dimon, Ephraim Curtiss, Thomas Tousey, Ebenezer Mead, jun^{r}, Nathaniel Peck, James Benedict, Samuel Hoyt, Samuel Hanford, Ebenezer Silliman, John Read, Joseph Keeler, and James Reynolds, Esq^{rs}, to be Justices of the Peace in and for the county of Fairfield the year ensuing.

This Assembly do appoint Joseph Addams, Ebenezer West, Richard Abbey, and William Throop, Esq^{rs}, to be Justices of the Peace and Quorum in and for the county of Windham the year ensuing.

This Assembly do appoint Joshua Ripley, Joseph Strong, John Woodward, Joseph Leavinz, Peter Buell, Josiah Conant, Philip Eastman, Licester Grosvenour, Joseph Cadey, jun^{r}, and Jonathan Huntington, Esq^{rs}, to be Justices of the Peace in and for the county of Windham the year ensuing.

This Assembly do appoint Coll. David Goodrich and Capt. John Chester to return the thanks of this Assembly to the Reverend Mr. Stephen Mix, for his sermon preached before the Assembly on the 8th of May instant, and desire him to give a copy thereof that it may be printed.

This Assembly do establish and confirm Mr. Simon Couch of Fairfield to be Captain of the company or trainband at the west parish in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Sherwood of Fairfield to [be] Ensign of the company or trainband at the west parish in the town of Fairfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Bassett of Derby to be Captain of the company or trainband in the town of Derby, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Russell to be Lieutenant of the company or trainband in the town of Derby aforesaid, and order that he be commissioned accordingly.

[204] This Assembly do establish and confirm Mr. Gideon Johnson of Derby to be Ensign of the company or trainband in the town of Derby aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Joseph Craft to be Lieutenant of the company or trainband in the town of Pomfrett aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Timothy Sabin to be Ensign of the company or trainband in the town of Pomfrett aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Hart to be Captain of the company or trainband at the parish of Southington in the town of Farmington aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Andruss to be Lieutenant of the company or trainband at the parish of Southington in the town of Farmingtown, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Cone of East Haddam to be Ensign of the south company or trainband in the town of East Haddam aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. James Talmage of New Haven to be Captain of the Troop of Horse in the county of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Holt of New Haven to be Lieutenant of the Troop of Horse in the county of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Benjamin Fenn of Milford to be Cornet of the Troop of Horse in the county of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Thomas Ponderson of New Haven to be Quarter Master of the Troop in the county of New Haven, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Gideon Wells of Weathersfield to be Captain of the second company or trainband in the town of Weathersfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Elizur Goodrich of Weathersfield to be Lieutenant of the 2d company or trainband in the town of Weathersfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Samuel Talcott of Weathersfield to be Ensign of the 2d company or trainband in the town of Weathersfield aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. Daniel Ellsworth of Windsor to [be] Lieutenant of the company or trainband at the place called the Great Marsh in the town of Windsor aforesaid, and order that he be commissioned accordingly.

This Assembly do establish and confirm Mr. John Burroughs of Windsor to be Ensign of the company or trainband at the place called the Great Marsh in the town of Windsor aforesaid, and order that he be commissioned accordingly.

[205] This Assembly do appoint Joseph Whiting, Esq^{r}, and Samuel Lynde; Esq^{r}, Mr. David Judson, Mr. Jeremiah Miller, Mr. Josiah Conant, and Mr. John Fowler, Auditors, to audit the Colony's accounts with the Treasurer and make report to this Assembly.

Upon the memorial of Thomas Marsh, David Warrin, William Farnam, and Timo. Pearl, the committee for the second society in Windham, praying this Assembly to grant that Mr. Samuel Kemball, Thomas Marsh and Benjamin Chaplin, inhabitants in the town of Pomfrett, be annexed to the said second society in Windham: Resolved by this Assembly, that the farms of the said Samuel Kemball, Thomas Marsh and Benjamin Chaplin, lying in the said town of Pomfrett, bounding upon or lying near Windham town line, with all the polls and other rateable estate that now or hereafter shall dwell or be

improved on the said farms, are hereby annexed to the said second society in Windham, and are discharged from all parish or society rates or taxes to the society in Pomfret, and shall pay their proportion of rates and taxes with the inhabitants of the said second society in Windham for the future, so long as the first society in Pomfrett shall continue to be but one parish, and no longer.

Upon the memorial of the inhabitants of the first society of Glassenbury, praying for a committee to affix and ascertain the place for the building a meeting house in said society, as by the memorial on file: This Assembly grants the prayer of the memorialists, and do appoint Mr. Ebenezer West, Capt. Benajah Bushnell and Mr. John Griswould, to be a committee to repair to Glassenbury and view the circumstances of said parishioners, and consider what place is best for the building said meeting house and the accommodation of the people of said parish, and make report thereof to this Assembly at their present session.

An Act in Addition to the Act relating to Highways.

Whereas by said act it is provided, that when complaint is made to any of the respective county courts that a highway from town to town, or from place to place, is wanted, or that a highway before laid out may with greater conveniency be altered, such county court shall appoint two or three freeholders to enquire into the necessity and conveniency of such way, &c.; and no provision by said act is made for notifying the town thrô whose bounds said highway is to be laid, or in which the same is to be altered, whereby many difficulties have arisen: Which to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as any person or persons shall move to any of the respective county courts to have a new highway laid out, or for the alteration of an old one, it shall be the duty of such person or persons, at least twelve days before the sitting of the court to which he or they shall make application as aforesaid, to cause a citation to be served on one or more of the selectmen of the town within whose bounds the same is to be laid out or altered, to appear, if they see cause, at such county court, and make their objections, if any they have, against such highways being laid out or altered.

Upon the memorial of Eleazer Hubbell, agent for the town of Wellington, shewing the present low and indigent circumstances of the inhabitants in said town, and that they are unable to finish their meeting house and to support the charges [206] of the gospel among them, and praying for relief, &c.: ||

This Assembly grants a tax of five shillings per hundred acres on all the lands in said town for the space of four years next coming, to be collected of the owners of such lands, according to the directions of the law, by the collector or collectors in said town, and shall be by him or them paid into the hands of Major Roger Wolcott, the Reverend Mr. Samuel Woodbridge, Capt. Eleazer Hubbell, and Mr. John Merrick, who are to improve the same in manner following, (viz.:) Ten pounds annually of said tax, collected as aforesaid, towards the finishing the meeting house in said town, and the remainder of said tax shall be improved towards the defraying the ministerial charges arising therein. And for the greater conveniency in collecting said tax, all persons claiming lands in said town shall enter their rights and claims to the lands in said town in the register's office therein, at or before the 1st day of October next, upon penalty of forfeiting twenty shillings per month for each neglect of such entry to be made; which forfeitures shall be collected by the said collector or collectors together with the tax abovesaid; provided the said proprietors be first notified of this act by the clerk of the said town of Wellington.

Upon the memorial of Mr. James Hillhouse, shewing to this Assembly that his parishioners have failed and do neglect to fulfill their covenant with him as their minister, and praying for relief, &c.: This Assembly does appoint Messrs. Joseph Backus, Simon Lothrop and Joshua Huntington, or any two of them, to be auditors, (who are to have the same power and authority that auditors in other cases have,) to adjust accounts between the said Mr. Hillhouse and his parishioners relating to his salary, being one hundred pounds *per annum;* and what said auditors shall find the inhabitants of said parish in arrears of their yearly payment of the sum abovesaid to said Mr. Hillhouse, they shall give notice of the same to the committee of said parish, who shall pay the same within three months after such notice is given; and in case said parishioners shall neglect to make payment thereof within the said three months, upon application made by said Mr. Hillhouse to any one assistant or justice of the peace in the county of Newlondon, such assistant or justice shall grant out a warrant of distress, directed to the sheriff of said county, to levy the said sum out of the estate of any of the inhabitants of said parish; and that the said inhabitants shall defray the charges of said auditors adjusting said accounts if they be found in arrears, otherwise the same shall be borne by the said Mr. Hillhouse.

Upon the memorial of John Scarbrough and Dorothy his wife, both of Ashford in the county of Windham, as the said Dorothy is administratrix on the estate of her former husband Nathan Wright, late of Ashford aforesaid, deceas'd, shewing to this Assembly that there is £59 12*s*. 7*d*. in debts due from the estate of the deceas'd more than the moveable estate amounts to, and therefore pray that this Assembly would authorize and impower them, or some other person, to sell so much of the real estate of the deceas'd as to procure the said sum: It is therefore resolved by this Assembly, that the said [207] John Scarbrough and Dorothy his wife || shall have full power to sell so much of the land of the said deceas'd as to procure the said sum of £59 12*s*. 7*d*. money, together with the necessary charges of the selling the same, and to execute ample deed or deeds thereof, taking the direction of the court of probate in the county of Windham therein.

Upon the memorial of Stephen Nobles, administrator on the estate of Isaac Deforest of New Milford, deceas'd, praying for liberty to sell of the estate of the intestate, to pay debts due from said estate: Resolved and enacted by this Assembly, that the said Stephen Nobles, administrator, shall have power, and he is hereby fully impowred, by and with advice of the court of probate at Woodbury, to sell and convey so much of the real estate of the intestate as shall amount to the sum of £34 13*s*. 2*d*. with necessary charges.

Upon the petition of Nathaniel Peck, David Raynolds, James Ferris, Nath[l] Hustead and Gershom Lockwood, in behalf of themselves and the rest of the inhabitants in the east society of Greenwich, shewing to this Assembly that the charge of building their meeting house proves exceeding hard and heavy on them, praying this Assembly for some relief in that matter: This Assembly grants to the society of Greenwich aforesaid the sum of fifty pounds, and order that the said fifty pounds be delivered out of the publick treasury of this Colony to Capt. Nath[l] Peck of Greenwich, to be by him improved for the building and finishing the meeting house in the east society in Greenwich aforesaid, and that the said money be delivered to Nath[l] Hustead of said Greenwich, to be transported to Capt. Nath[l] Peck aforesaid.

Upon the memorial of John Hutchins and Samuel Denison, Richard Graves, and others, inhabitants of the south part of the first society in Killingly, praying for liberty to hire an orthodox minister among themselves for the months of November, December, January, February and March, to preach among them, and that they may be freed from paying to the

minister in said first society during said term, as by their memorial under their hands, on file: Resolved by this Assembly, that the memorialists be allowed liberty to hire an orthodox minister to preach among them the said months of November, December, January, February and March, annually, during the pleasure of this Assembly; and that they shall be freed from paying rates to the minister of said society during the time they hire a minister among themselves agreeable to this act.

Upon the memorial of the inhabitants of the prime society in Lyme, praying for a committee to affix and ascertain the place on which to build a meeting house in said society, as by the memorial on file: This Assembly grants the prayer of the memorialists, and do appoint Messrs. Ebenezer West, Samuel Hill and John Bulkley, to be a committee to repair to said Lyme and view the situation and circumstances of said society, and consider what place is most suitable and convenient to build said meeting house for the accommodation of the inhabitants of said society, and make report thereof to the General Assembly in October next.

Upon the memorial of John Story, of Norwich in the county of New London, administrator on the estate of Thomas Andruss, late of Windham, deceas'd, shewing to this Assembly that the debts due from said deceas'd surmount the moveable estate the sum of £42 0*s*. 4*d*., and praying for liberty to sell the lands of the deceas'd to answer the debts aforesaid: Resolved and ordered by this Assembly, that the said John Story [208] be, and hereby he is, appointed and substituted ‖ to make sale of so much of the lands of the said deceas'd as to pay the debts that surmount the moveable estate aforesaid and will answer the necessary charges of such sale, taking the advice of the court of probate in the county of Windham therein.

Upon the memorial of Jonathan Belden in right of his wife Martha, and John Smith in right of his wife Mable, all of Weathersfield in the county of Hartford, praying that a grant of one hundred and fifty acres of land, made by this Assembly May 9th, 1700, to the Reverend Mr. John James, late of said Weathersfield, deceas'd, may be surveyed and laid out to them, as the heirs of the said Mr. James, in some of the ungranted lands of this Colony, as by their memorial on file, &c.: It is resolved, that the said grant of one hundred and fifty acres of land be laid out to the said Martha and Mable, the only children and coheirs of the said Mr. James, in the ungranted lands of this Colony on the west side of Ousatunuck River, (not included in any of the townships surveyed there,)

and that the surveyour of the county of Fairfield, at the charge of the memorialists, survey and lay out the same.

Additions to the Lists of Estates of the several Towns hereafter mention'd, sent in to this Assembly, (viz.)

	Single Additions. £	s.	d.	*Fourfold Assessments.* £	s.	d.
To Hartford,	788	9	0			
To New Haven,	809	12	6	716	10	6
To Glassenbury,	247	7	0			
To Farmingtown,	279	0	0	502	0	0
To Norwalk,	2255	3	6			
To Windsor,	1912	11	3	898	0	0
To East Haddam,	490	4	0			
To Midletown,	109	1	0	166	16	0
To Branford,	429	1	6			
To Milford,	379	12	3			
To Stratford,	180	19	0			
To Colchester,	251	8	0	108	0	0
To Preston,	763	8	0	78	0	0
To Guilford,	367	4	4	437	0	0
To Stonington,	1151	10	0	226	16	0
To Danbury,	248	1	0			
To Killingsworth,	367	16	7	442	4	0
To Durham,	29	0	0			
To Canterbury,	229	5	0			
To Mansfield,	609	0	0			
To Lyme,	304	5	0			
To Norwich,	249	0	0	827	8	0
To Greenwich,	230	13	0			
To Woodbury,	154	7	0			
To New Milford,	663	8	9	10	9	0
To Windham,	86	0	0	12	0	0
To Symsbury,	402	14	0	194	0	0
To Fairfield,	973	11	0			
To Hebron,	27	0	0			

[209] An Act dividing the Town of Killingsworth in the County of New London into two distinct Ecclesiastical Societies.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the said town of Killingsworth, by a line to begin at Saybrook bounds, at a place commonly called the southeast corner of Pelatiah Ward's farm, being the proper southeast corner of Capt. Peter Ward's ninth division land, and to extend from thence west-south-west five degrees south to Guilford line, shall and is hereby divided into two distinct ecclesiastical societies; and that the part of said town lying south-

erly of said line is hereby declared to be a distinct ecclesiastical society, with all powers and privileges proper for such a society; and that such part of said town that lyeth northerly of the abovesaid line shall be and is hereby, by the authority aforesaid, made into one distinct ecclesiastical society, with all powers and privileges proper for such a society; always provided that all lands in said town (if the owner liveth in the town aforesaid) shall be taxed for the defraying parish charges only where the owner or owners of such lands do live.

Upon the several memorials of the distinct parts of the town of Symsbury, praying that said town may be divided into several ecclesiastical societies: Considering the divided state of said Symsbury, and how often the inhabitants of that place have in their town meetings altered and changed their votes, this Assembly do not think it proper to confirm the line prayed for in order to divide said town into distinct societies without further enquiry,—do therefore appoint and order Capt. Samuel Mather, Capt. John Marsh and Capt. Henry Allyn, a committee to repair to said Symsbury and view the circumstances of that place, and hear the several parties there in reference to their being made into distinct ecclesiastical societies; and the said persons shall direct and order the said inhabitants in reference to the place or places where they shall attend publick worship until the rising of this Assembly in October next, to which order the said inhabitants shall conform during said time; and if the said persons shall think it needful to divide said town into distinct societies, then they are directed to describe and set forth the bounds of such division, and report their whole doings to this Assembly in October next, that so said town may be settled in reference to their ecclesiastical affairs and peace gained there. To be done upon the motion and charge of said Symsbury.

On the petition of Gillett Addams and Ephraim Addams of Symsbury *v.* Daniel Mills of Windsor, the question was put, whether the pleas offered in abatement thereof are sufficient, and resolved by this Assembly in the affirmative. *Cost allow'd respondent* £2 17*s.* 7*d.*

An Act for reviving and further continuing a certain Act made in the seventh Year of the Reign of King George the first, entituled An Act appointing and impowering certain Commissioners to divide the Copper Mine at Symsbury, &c.

[210] *Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That the aforesaid act relating to the copper mines at Symsbury, and every clause and paragraph thereof, shall be

revived and further continued, and the same is hereby revived and made further to continue in force for the space of four years next coming, and that the commissioners shall be the same as formerly.

An Act directing how the Rates that may be granted in any Towns or Ecclesiastical Society for the Support of the Gospel Ministry shall be collected.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That every town where there hath not been by this Assembly several parishes made therein, and also every ecclesiastical society allowed by this Assembly, shall, for the future, by their proper votes and acts, annually take care to grant taxes and levy the same by their officers within their respective precincts, for the support of the gospel ministry, according to the votes, grants or agreements of such town or society, made or passed for the support of their minister. And it shall be the duty of the selectmen of every of the towns aforesaid, and also the duty of the committee of every of the societies aforesaid, to take all proper care in their respective precincts, that rates be annually granted and collected for the support of their minister. And when any such rate is granted and made as aforesaid, the officers aforesaid shall repair to some assistant or justice of the peace in the county where such town or society doth lye, for a writ directed to the collector or collectors chosen and appointed to collect such rate, enabling him to levy said rate, which assistant or justice shall forthwith proceed to grant out the said writ; and every collector shall, with convenient speed, levy and collect every such rate committed to him. No minister shall be kept out of any part of his yearly salary more than two months after his year is expired; and if at any time the said two months should be expired and run out, and such minister hath not received his salary for that year, then it shall be the duty of the selectmen in every of the towns aforesaid, and likewise of the committees aforesaid, forthwith to take out a distress upon the collector or collectors that should have collected such rate, directed to the constable of the town, or sheriff of the county; which officer shall forthwith proceed to levy such part of such rate as then remains unpaid to the minister, out of such collector or collectors estate, and pay the same unto such minister.

And it is further enacted, That if any of the selectmen or committees aforesaid shall neglect their duty, in not taking out a distress as aforesaid upon the collector or collectors, such sum or sums shall be paid by such selectmen or committees so neglecting, together with a fine of five pounds for every

such neglect, the fine to be to the county treasury; all which shall be recovered by action brought by the King's attorney to the county court in the county where such town or society do lye, and no appeal or review in such cases shall be allowed.

[211] Upon the memorial of Jonathan Yeomans of Midletown, shewing to this Assembly that the place of his habitation is on the east side of Connecticutt River about six miles below said town of Midletown, at which place there is great need of a stated ferry, not only to accommodate the inhabitants of said town settled on each side said river thereabouts, but also for travellers who are frequently resorting thither for passage over said river, and praying for liberty to keep a ferry at said place: This Assembly grants liberty to said Jonathan Yeomans to keep a ferry over Connecticutt River at the place where he now dwells, and that the fare of said ferry shall be, for man, horse and load, sixpence, and for each single man three pence, and that the said ferry shall be kept there during the pleasure of this Assembly, and shall be under the same regulations as other ferries in this government are.

Upon the memorial of the north society in Midletown, setting forth that at a meeting of the said society it had been by two thirds of the parishioners there determined that it was necessary to build a meeting house for to attend the worship of God in, and praying that a committee may be appointed to view said society and pitch upon a proper place to set up said house at, that the said place may be by this Assembly ascertained: Whereupon this Assembly do appoint Messrs. Jabez Hamlin, Joseph Southmayd and John Gaynes, all of said Midletown, to repair to said society and view the same, and after hearing the inhabitants there in reference to the above affair to pitch upon the most proper place for the setting up said house, and return the same under their hands to this Assembly.

An Act directing where Taxes arising and levied upon Lands in Parishes or Ecclesiastical Societies belonging to Proprietors Non-resident in such Parishes or Societies shall be paid.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That for the future all taxes arising and that shall be levied upon any lands lying in any parish or ecclesiastical society in this Colony, belonging to any such non-resident proprietor or proprietors and in the same town, shall be paid by him or them in that society, and for and by order of that society only to which he or they belong and are resident in, according to his or their list in the grand levy. Only where such non-resident proprietor or proprietors hath lands lying in such other

society or societies and there be a tenantable house or houses thereon and also a tenant or tenants actually living in and upon the same, then and in every such case the taxes arising upon such lands in the improvement of such tenant or tenants shall be paid in the society or societies where such lands lye and tenant or tenants do live. Provided nevertheless, that where any such society or societies have, ever since their being first set off and constituted, steadily and uninteruptedly used and practiced otherwise in paying taxes arising on such lands, this act shall not be understood to affect or prejudice such a steady and uninterupted practice, but the same shall be accounted a practical agreement, and be holden good and valid accordingly, anything to the contrary in this act contained notwithstanding.

And be it further enacted by the authority aforesaid, That if [212] such non-resident proprietor or proprietors live || in any other town than that in which such lands lye, he or they shall pay in and be taxed for the same by that society in which it lyes; and that when such lands lye in two or more societies in any other town than that in which such proprietor or proprietors live, then, and in every such case, he or they in their list annually given in shall particularly mention therein the sort and quantity of his or their lands in each of such societies respectively, and shall pay therefor in such respective societies accordingly.

Upon the memorial of Jonathan Beebe and Peter Cooley, of Fairfield, administrators on the estate of Ebenezer Cooley, late of said Fairfield, deceas'd, shewing to this Assembly that the debts due from the estate of the said deceas'd surmount the moveable estate the sum of £58 12*s*. 10*d*., and praying to this Assembly for liberty to sell so much of the real estate of said deceas'd as will amount to the sum of £58 12*s*. 10*d*. with the necessary charges of selling the same: This Assembly substitutes and appoints the memorialists to make sale and execute deeds of conveyance of so much of the real estate of the said deceas'd, with the advice of the court of probate in the county of Fairfield, as will amount to the sum aforesaid with the necessary charges.

This Assembly do establish and confirm Mr. Samuel Chapman of Tolland to be Captain of the company or trainband in the town of Tolland, and order that he be commissioned accordingly.

Upon the memorial of Stephen Tracey, Joseph Hebard, Ralph Wheelock, Ebenezer Wright and Joseph Hebard, junr, all of Windham, shewing to this Assembly that they, with

the help of sundry other persons, have erected a good bridge across Shoutuckett River in said town, that runs between the said town and the town of Lebanon, and that there is great necessity that a good bridge at all times hereafter be there maintained, and they complain they have for some years past been at great charge in maintaining a bridge across the said river, and that neither of the said towns or other person or persons have taken the immediate care and charge of building and maintaining a bridge across said river, and therefore pray that the inhabitants of the towns of Windham and Lebanon be ordered to be at equal charge in making and maintaining a bridge across said river, or that one of said towns be ordered to maintain said bridge; and the parties being heard on the premises, and it appearing that the said river is in the township of Windham: It is therefore resolved by this Assembly, that the inhabitants of the said town of Windham shall take the said bridge into their immediate care, and be at all charge for the future in maintaining the same.

Upon the memorial of Chickens, an Indian sagamore living between Fairfield, Danbury, Ridgefield and Newtown, at a place called Lonetown, in the county of Fairfield, shewing to this Assembly that in the sale of the lands between the aforesaid townships by his deed dated the 18th day of February, $172\frac{4}{5}$, to Capt. Samuel Couch of Fairfield, he, said Chickens, [213] reserved for himself, his children, children's children, ‖ and their posterity, the use and improvement of so much land within said bounds by his dwelling house or wigwam as the General Assembly of this Colony, or a committee indifferently appointed, shall judge necessary for his and their personal improvement, and thereupon praying for a committee to do the said service; and the said Samuel Couch, being cited and present, consented to the said prayer: And thereupon it is resolved by this Assembly, that Capt. Samuel Hanford, Mr. Theophilus Nickols, and Mr. Seth Samuel Burr, be a committee to repair to said place and judge how much of the said lands is necessary and just to be set out on account of the saving mentioned in said deed, and accordingly survey and set out by proper meets and bounds unto said Chickens, &c., so much of the said lands as shall be thought just and right, and make return of their doings to this Assembly in their sessions at New Haven in October next. All to be at the cost of said Chickens.

Upon the memorial of Benjamin Hutchinson of Windsor, shewing to this Assembly that he sometime since had his dwelling house, goods, books, bonds, receipts and other evidences of debts, dues and demands, and things proper for actions of account, all destroyed and consumed by fire, whereby

he is likely to suffer great loss for want of such evidence destroyed as aforesaid, praying to this Assembly for relief: Whereupon it is resolved by this Assembly, that when any action of account is brought by the said memorialist, demanding an account of any person or persons whatsoever, and in his declaration alledging that any evidence thereof was consumed in the burning aforesaid, to any of the courts proper for trying such demand, such court is hereby impowred to and shall enquire by the oaths of the parties and by other evidences as a court of equity; and if on such enquiry they judge that such defendant ought to account, shall give judgment accordingly, and appoint auditors to adjust such accounts, as if the same was found in common course of the law; and on the return of the auditors make up judgment as is by law provided.

Upon the memorial of James Packer, of Groton in the county of Newlondon, shewing to this Assembly that the town of New London, in the year 1664, granted to John Packer, father of the memorialist, 150 acres of land at Mistick hill, then in Newlondon, now Groton, which land now belongs to the memorialist, and that the bounds thereof are very uncertain, which uncertainty of bounds hath caused many controversies and law-suits between the memorialist and the proprietors of Groton, to the memorialist's great cost, and many more law-suits are like to ensue from the aforesaid uncertainty; therefore praying this Assembly to send a committee of disinterested persons to settle and ascertain the bounds of the memorialist's land as aforesaid, that so all future controversies about the same may cease; as also on the motion and concurrence of Mr. Walsworth, agent for the proprietors of the town of Groton: Resolved by this Assembly, that Tim° Pierce, Esq^{r}, Mr. Ebenez^{r} West, and Mr. Jabez Huntington, are appointed a committee to repair to said Groton, at the cost of the parties, to enquire, view and judge in the premises, and to affix and ascertain the bounds between the memorialist and the proprietors of Groton, and that the parties shall be forever concluded by the bounds that shall be by them set up for the bounds of said grant.

[214] Upon the memorial of George Wyllys, Daniel Messenger, Daniel Bissell, John Ellsworth, and others, proprietors of a certain large tract of land in the county of Hartford, called Harwinton, praying this Assembly to grant a tax on all the lands of the proprietors of said Harwinton, for the support of preaching the gospel, &c., as by their memorial on file appears: Resolved by this Assembly, that a tax of one penny per acre, *per annum*, shall be laid on the said lands for the term of four years next coming, for the support of preaching

the gospel at Harwinton aforesaid; provided they shall hire an orthodox minister to preach the gospel to them. And the said proprietors inhabiting on the said land are hereby authorized and impowred, so often as there may be occasion, to meet together, at such place and according to the notice thereof, to be given at least five days before said meeting by one of the said principal inhabitants; and such proprietors and inhabitants, thus met and convened, are hereby impowred to choose a collector or collectors to gather and collect the said tax, who are hereby ordered and impowred to proceed in collecting the same, according to the direction of the law to society collectors, and upon such collectors failing to perform their duty to be proceeded against according to law respecting society collectors; and the tax so collected is hereby ordered to be paid into the hands of Deacon Thomas Richards, of Hartford, and Daniel Bissell, junr, of Windsor, who are hereby appointed to receive, dispose of and improve the same, for the hiring an orthodox minister to preach the gospel there, and for the defraying other ministerial charges that may arise among them.

Upon the memorial of John Edwards, Gideon Allyn, in behalf of themselves and the rest of the proprietors of that tract of land called New Fairfield, representing the obstructions and difficulties they have heretofore met with in their applications to this Assembly for a further confirmation of said lands to them, by reason of objections made by some of the inhabitants of Fairfield; and therefore praying for a committee to be appointed to hear the memorialists and their opponents that shall see cause to appear, &c., and enquire into all circumstances relating thereto, and make report thereon; and John Osborn, Samuel Osborn, Samuel Barlow, and others, of Fairfield, being cited, by their attorney appeared, and by their memorial consented to the granting said request, desiring to have the report made in October next, and at the charge of both parties: Resolved by this Assembly, that Samuel Lynde, Esqr, Capt. Samuel Hill, and Mr. Samuel Willard, be a committee, at the charge of the memorialists and the said Osborns, Barlow, &c., to hear the said memorialists and such of their opponents as shall see cause to appear and offer any thing in the premises, and enquire into all circumstances relating to the said tract of land called New Fairfield, and report their opinion thereon to this Assembly in October next, of what they think proper to be done in order to further confirm and settle said tract of land according to the grant made by this Assembly, in October, 1707, in order for this Assembly to determine upon whom, and in what manner, the same may be settled and confirmed.

[215] Mr. John Curtiss, and Mr. Daniel Coit of New London, shewing to this Assembly that John Bissell, John Curtiss, Thomas Seymour, Daniel Coit, John Skinner, and Joseph Wright, John Patterson, David Griswould, and Nathaniel Wright, and Elizur Goodrich, have given their bonds for large sums to this corporation for sundry other persons that were mortgagers in the late New London Society, to answer for the interest of moneys borrowed by such mortgagers of this government, to draw in their respective parts of the bills of said society; and now moving to this Assembly that such particular mortgagers may be admitted and accepted to give their own bonds for the payment of the interest for the sums they respectively borrowed, and thereby the former bonds given as aforesaid may be discharged: It is thereupon resolved by the Governour, Council and Representatives, in General Court assembled, and Nathaniel Stanly and John Marsh, Esq^{rs}, are hereby directed and impowred, at the costs of such mortgaggers, to take the bond or bonds of such mortgagers respectively, with surety, to the acceptance of the said Nathaniel Stanly and John Marsh, for the payment of the interest that now is or shall hereafter become due upon account of any sum or sums borrowed by such mortgagers, and give credit therefor by indorsing the same upon some bond formerly given, according as they shall be desired by such mortgager. Always provided, that all such bonds hereafter to be made shall be finished and done before the sitting of this Assembly in October next, and that no credit shall be given (by any thing in this act contained) upon any bond that hath already been put in suit.

Upon the memorial of Caleb Gates, Samuel Standish, Daniel Park and Daniel Williams, all of Preston, shewing to this Assembly that they live on Preston side of the ancient reputed line between Preston and Norwich, and that they have for some considerable time given in their lists and paid the publick taxes to Preston, until of late, (viz.) the year 1734, the listers for that year of the town of Norwich assessed them fourfold, and that sundry rates are made thereon by the town of Norwich, and that they for the same year gave in their lists to Preston listers; whereupon they pray that this Assembly would set aside the fourfold assessment aforesaid and the rates made thereon, &c.: Whereupon it is resolved by this Assembly, that the fourfold assessments aforesaid be set aside, and they are hereby made void, and all the rates that are thereon made by any of Norwich aforesaid, and that no further rates be made thereon, and that all officers yield obedience hereunto, and that the memorialists aforesaid pay their publick

taxes unto the town of Preston until one or other of the towns aforesaid procure the line between them to be otherwise settled. *Cost allowed the memorialists against Isaac Huntington, town clerk of Norwich,* £4 13*s.* 0*d.*

An Act in Addition to the Law entituled An Act against Theft and Burglary.

Whereas, notwithstanding the pains and penalties in said act, many dissolute and idle persons are guilty of notorious thefts and breaking up of shops and dwelling houses in this Colony, to the prejudice of His Majesty's good subjects: Which mischief to prevent,

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whosoever shall steal any money, goods or chattels, to the value of twenty shillings, and be thereof convicted by suf-
[216] ficient evidence, every such offender || shall forfeit to the owner of such money, goods or chattels, stolen as aforesaid, treble the value thereof, as is provided in said act, and also be further punished by whipping, not exceeding ten stripes for one offence.

Be it further enacted by the authority aforesaid, That if any person shall commit burglary, by breaking up any dwelling house or shop wherein goods, wares and merchandize are kept, or shall rob any person, such person so offending, for the first offence shall be branded on the forehead with the letter B, and have one of his ears nailed to a post and cut off, and also be whipped on the naked body fifteen stripes; and for the second offence, such person shall be branded as aforesaid, and have the other of his ears nailed and cut off as aforesaid, and be whipped on the naked body twenty five stripes; and for the third offence, such person shall suffer death, as is provided in said act.

An Act for laying an Excise on divers Sorts of Liquors, appointing Commissioners of Excise, licencing Retailers, and further Regulating Tavern Keepers.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That there shall be paid as an excise on all wines and rhum, and all other liquors distilled from the growth of any other country than this Colony, six pence per gallon by all retailers and tavern keepers in every town in this Colony to the respective town treasurers, for the use of the town, to be collected as in this act is provided.

And be it further enacted, That a lesser quantity of any of the liquors aforesaid shall not be sold by any person whatsoever (retailers and taverners only excepted) than a quarter

cask, containing twenty gallons, under the same penalties as are by law already provided against retailing strong liquors without lycence.

And it is further enacted, That no retailer of strong liquors shall sell a lesser quantity of any of the liquors aforesaid than a quart, nor suffer any of the liquors by him sold to be drank in his house or any of the dependencies thereof, under the penalties above referred to.

Be it further enacted, That the same persons in each town in this Colony appointed by law to nominate tavern keepers shall, in their annual meetings, if they think fit, nominate some person or persons within their said towns to be retailers as aforesaid, as also some suitable person in such town to be a commissioner of excise, to collect and receive the said duty or excise in the town where he dwells, who is hereby fully impowred and authorized for the management thereof, to whom shall be administred, by some assistant or justice of the peace, before he enter on the execution of his office, the following oath, (viz^{t}.) You A. B. being chosen commissioner of excise for the town of H. for the year ensuing and until another be chosen and sworn, do swear you will faithfully discharge your office therein, in collecting all such sum and sums of money as shall become due by law from the retailers of strong drink and tavern keepers within the town aforesaid, and give a true account thereof, and pay the same to the treasurer of said town once a year: So help you God.

And it is hereby further provided, That the said commissioner of excise shall receive of the town treasurer one fifth [217] part || of the money he shall so collect and pay into the town treasury, for his service therein.

And it is further enacted, That all persons nominated as aforesaid to be retailers, shall, before they retail any strong drink as aforesaid, obtain a lycence therefor of the county court of the same county, who are hereby directed to demand and take sufficient bonds of all retailers and tavern keepers to whom they grant a lycence, in such sums as they shall think fit, conditioned that the said retailer or tavern keeper shall observe the laws which are or shall be made to promote good order in lycenced houses, as also that they render a true and just account, upon oath, to the commissioner of excise in the towns where they dwell, of all such liquors as aforesaid which they have at the time of their obtaining their said lycence and do afterwards take into their custody, to be presented to the said commissioner once in every quarter of the year, (if demanded by him,) as also that he, the said retailer or tavern keeper, will pay to the said commissioner the duty laid

thereon by the excise act, subtracting only one fifth part thereof for leakage and wastage.

And it is hereby provided, nevertheless, That in case the said retailer or tavern keeper shall sell and dispose of any of the liquors aforesaid by the quarter cask as aforesaid, or by any greater quantity, and renders an account thereof in his account abovesaid to the commissioner, the said commissioner shall deduct the excise thereof out of the said account, and receive the remainder only.

It is also further provided, That the names of all those persons which by an act of this Assembly, passed in the second year of the late King George, were directed to be posted at the tavern keepers doors, by setting up a certificate as therein provided, shall also be posted at each retailer's door. The said retailers shall be lyable to pay the same penalties, and to be proceeded against in like manner, as tavern-keepers, in case the said retailers shall sell to them by retail any strong liquors mentioned in this act.

Upon the memorial of the first society in Glassenbury in the county of Hartford, shewing that the inhabitants of said society, pursuant to the law of this Colony, had by their vote declared it necessary to build a meeting house in said society, whereupon this Assembly did appoint their committee to repair to said place, and upon their view to pitch upon a place that may accommodate said inhabitants to set their meeting house on; which committee have now reported, that they have pitched upon a place where said house shall be set, which is near a parcel of trees standing in the street between Mr. Ashbell Woodbridge's house and Abner Moseley's house, the northernmost sill of said house to be laid within twenty feet of the southernmost of said trees: Whereupon this Assembly do enact and order that the inhabitants of said society shall set up their meeting house at the place pitched upon as abovesaid.

The proprietors of the common and undivided lands in Symsbury by their memorial shewing to this Assembly that the bounds given to them in their patent is, south on Farmingtown and to run east and west ten miles, and from their south bounds north ten miles, and to contain the contents of ten miles square, and that the inhabitants of the town of Symsbury have granted and laid out the lands on the west side their said bounds to the extent of ten miles from their east bounds, and that the south bounds and east bounds of the said Symsbury are very different from right angles, whereby [218] it is found impossible ‖ that the bounds should extend ten miles in length on each side and contain the contents of

ten miles square; and thereupon this Assembly did appoint and impower David Goodrich, Thomas Kimberly and Jonathan Burnham, to lay out the said town of Symsbury, bounding upon Windsor east and Farmingtown south, to the contents of ten miles square, and that the said committee, in the months of March and April, 1728, did lay out the said town of Symsbury to be in breadth at the north bounds of the said town eight miles one hundred and twenty-eight rods, and on the west side to be in length about fourteen miles, whereby there is a considerable tract of land lying west of Symsbury that was supposed to be within the bounds thereof, and by the inhabitants of said town granted to particular persons, and a quantity of land lying within Symsbury on the north which was supposed to be without the same; whereupon the proprietors of Symsbury moved to this Assembly that a patent may be granted from this government for the said land in the north side of Symsbury by said survey, to such persons as had the lands on the west side of Symsbury without said survey, granted to them as aforesaid: Whereupon it is resolved, that a patent shall be executed to such persons accordingly. Always provided, that the proprietors of the town of Symsbury, and all such persons claiming by their patent as have lands granted to them as aforesaid in the lands lying on the west side of said survey, shall give an ample release of all their right and claim to said lands to the persons to whom this corporation has granted said lands.

Upon the memorial of Franciss Griswould, shewing to this Assembly that he hath for a long time been very lame and almost incapable of any business, and that he hath no hopes of being restored to health again, and praying that his poll may for the future be exempted from taxes: This Assembly grants to the said Franciss Griswould freedom for all taxes for his poll, and he is hereby exempted from the same accordingly.

Upon the memorial of Samuel Pinney, and others of the inhabitants in the eastward parts of Windsor, praying to this Assembly that there may be a parish set off in those parts of Windsor, &c.: Whereupon it is resolved by this Assembly, that Ozias Pitkin, Esq^{r}, Capt. Thomas Wells and Mr. Jonathan Hills, be a committee, at the cost of the memorialists, to repair to and view the lands which the memorialists live upon, and land adjacent, and if they judge that it is best to have a society there, to set them a line, and make report thereof to this Assembly in October next; and that said committee notify Windsor parish that is now on the east side of the great river, that they may be heard if they see cause.

Upon the prayer of the inhabitants of the north society in Middletown in the county of Hartford, setting forth that, pursuant to the law of this Colony, the inhabitants of said society had by vote declared it needful to build a meeting house there; whereupon this Assembly did appoint a committee to repair to said society, and upon hearing the people there and viewing the place, the said committee were directed to make their report to this Assembly, what place will best accommodate the said inhabitants to set up said house at; whereupon said committee have now reported that they have staked out the place for said house to be set on, which is about ten feet northward of the present meeting house in said society: Whereupon this Assembly do enact and order, that the said inhabitants shall set up their meeting house at said place staked out as aforesaid.

[219] An Act further providing for the more effectual Collecting the Duty of Impost on Rhum, and for imposing a greater Duty thereon.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of August next, there shall be a duty of sixteen pence per gallon for all rhum imported by any master of any vessel into this Colony, excepting only such rhum as shall be imported directly from the West Indies in some vessel the major part whereof is owned by some person or persons in this government, in which case the master of such vessel shall pay eight pence per gallon, and no more, any thing in any law heretofore made to the contrary notwithstanding. And all such masters of vessels or importers shall have the same allowance for waste and bills of store as are by law already granted, and shall have an oath administred to them, as by law already provided, and shall be under the regulations and be liable to the penalties as are provided in one law of this Colony, intituled An Act for the more effectual collecting the duty of impost on rhum, made in the ninth year of the reign of the late King George, for naval officers.

And it is further enacted by the authority aforesaid, That all rhum that shall, from and after the first day of August aforesaid, be distilled by any person or persons within this Colony, shall be liable to pay a duty of twelve pence per gallon; and that the person or persons distilling the same shall be obliged to take the same oath to give a true and just account of all rhum by them so distilled, as is provided for those that import any rhum by water into this Colony; which oath shall be administred to them by the impost officer in the place where the same is distilled; and in case of any such persons refusing to take such oath when required, and give a true account to such

officer, of the rhum by him or them so distilled, he or they shall suffer the same forfeitures, and be liable to the same penalties, as those that import rhum are.

And, that effectual care may be taken in collecting the aforesaid duty, it is further enacted by the authority aforesaid, That his Honour the Governour, for the time being, shall appoint, and he is hereby impowred to appoint, such a number of impost officers as he shall judge needful for the putting this act in execution, and administer a proper oath to them; which officers shall have full power and authority, and are hereby required, to make diligent search after all rhum imported into this Colony or distilled within the same, the duty whereof is not paid, and to that end to break open any house or vessel, or other suspected place, to enter and to seize all such rhum as they shall find imported or distilled as aforesaid, and secure the same until the next county court in the county where the same shall be so seized, who shall declare the same to be forfeit, unless the person importing, distilling, or in whose custody the same may be found, shall shew to the satisfaction of the court that the duties laid by this act upon the rhum seized as aforesaid have been paid, according to the true intent and meaning thereof; and on refusal or failure whereof, the [220] rhum || declared to be forfeited as aforesaid shall be disposed of, the one half to the officer seizing the same as aforesaid, and the other half to the use of this Colony.

An Act for the further Settling of Fees.

Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That, for the future, there shall be allowed to

each assistant or justice of the peace, for signing each summons, eight pence,	£0	0*s.*	8*d.*
And for each attachment, where bond is given, one shilling,	0	1	0
And that there shall be allowed in the bills of cost for each summons one shilling and eight pence,	0	1	8
For each attachment, where bond is given, two shillings and eight pence,	0	2	8
And that the fees in the respective county courts in this Colony for taking the acknowledgment of each judgment, including the clerks fees, seven shillings,	0	7	0
And for entring judgment on default, seven shillings,	0	7	0

Upon the memorial of William Bidwell of Hartford, administrator on the estate of Daniel Bigelow, of Hartford, de-

ceas'd, shewing to this Assembly that the said Daniel Bigelow dyed intestate, leaving three children by his first wife, whose maiden name was Hannah Bidwell, which Hannah was owner of certain lands when she was married unto the said Bigelow, and that the said Bigelow had by the said Hannah one son and two daughters which still survive, and that all the moveable estate of the said Bigelow was not sufficient to pay his just debts, (which appears by record of the court of probate;) and shewing also that Martha Bigelow, one of the daughters of the said Daniel and Hannah Bigelow deceas'd, who is now about thirteen years of age, is an idiot, and wholly uncapable of doing for herself, and that the memorialist hath an account allowed by the court of probate for the sum of £24 12*s.* 0*d.* for supporting the said Martha since her father's decease, and hath no way open for the satisfaction of the said sum; and praying this Assembly to impower some meet person to sell the lands belonging to the said Martha Bigelow, and therewith pay the said debt, &c.: Whereupon this Assembly do substitute and appoint Messrs. Joseph Pitkin and Jonathan Bull, both of said Hartford, to make sale of one fourth part of the lands which descends from the forenamed Hannah Bigelow to her said three children, who are also hereby directed to pay to the said memorialist the sum of £24 12*s.* 0*d.*, and to defray the charge arising upon the sale thereof, and to take effectual care that the remainder of the value thereof (if any be) shall be improved for the support of the said idiot.

Whereas this Assembly in October last did order that the charges of subsisting certain Indian children at the school at Farmingtown should be paid out of the publick treasury, whereupon Capt. William Wadsworth hath laid before this [221] Assembly || an account of the said charges, which amounts to the sum of thirty-three pounds and six shillings, which shall be paid out of the publick treasury unto the said Wadsworth, who shall answer and pay the several sums to the respective persons mentioned in the said account.

On the petition of Jonathan Ellsworth, executor of the last will and testament of John Eliott, Esq^r^, deceas'd, *v.* Samuel Strong, John Parrey and Bridgett his wife, administrators on the estate of Mr. Ebenezer Fitch, late of Windsor, deceas'd: This Assembly are of opinion that the petitioner hath right to demand an account of the whole estate of the testator that came into the hands of the deceased co-executor of the petitioners, but in no other manner, nor hath right to demand an account of them; and therefore, the petitioner now demanding only an account of part of the estate, hath no right to recover in that manner; and hereupon it is resolved that the

petition shall be dismissed. *Cost allowed respondents*, £3 18*s*. 0*d*. *Ex. granted, Sept.* 2*d*, 1735.

On the petition of Thomas Ensign *vs*. James Ensign and David Ensign: The question was put, whether any thing should be granted, and resolved by this Assembly in the negative. *Cost allowed David Ensign, respondent*, £5 1*s*. 7*d*.

On the petition of Isaac Burr *vs*. Jonathan Ellsworth: The question was put, whether the pleas offered in bar of said petition are sufficient, and resolved by this Assembly in the affirmative. *Cost allowed the respondent is* £3 10*s*. 8*d*. *Ex. granted June* 12*th*, 1735.

On the petition of Pelatiah Allyn *vs*. William Thrall: The question was put, whether any thing should be granted, and resolved by this Assembly in the negative. *Cost allow'd respondent*, £3 4*s*. 4*d*.

On the petition of Nathan Gillett *vs*. Timothy Horsford: The question was put, whether the pleas offered in abatement of the said petition are sufficient, and resolved by this Assembly in the affirmative. *Cost allow'd the respondent is* £3 12*s*. 7*d*. *Ex. granted May* 26, 1735.

On the petition of Abigail Wills *vs*. the inhabitants of the town of Windsor: The question was put, whether the authority of the town of Windsor have power by law to send the petitioner out of the town of Windsor, where she has estate in lieu of dower, and resolved by this Assembly in the negative.

On the petition of the town of Bolton *vs*. the town of Coventry: The question was put, whether the prayer of said petition should be granted, and resolved by this Assembly in the negative. *Cost allowed respondents* £2 3*s*. 10*d*. *Ex. granted Decem.* 24*th*, 1735.

Cost allowed to William Thrall of Windsor, for his attendance, &c., to answer the petition of Simon Chapman of said Windsor, withdrawn, is £3 11*s*. 4*d*.

Cost allowed to the town of Farmingtown, for attendance, &c., to answer the petition of the town of Weathersfield, withdrawn, is £0 15*s*. 0*d*.

Cost allowed to David Strickland of Midletown, for attendance to answer a petition preferred against him by Thomas Hall and Thomas Hall, jun^{r}, of Wallingsford, and by them withdrawn, is £0 13*s*. 4*d*.

Cost allowed to Joshua Bebee and Caleb Bebee of East Haddam, and William Brockway, jun^{r}, of Lyme, *vs*. the selectmen of East Haddam, for attendance, &c., to answer their petition

entered against them and then withdrawn is £1 1*s.* 8*d.* *Ex. granted October* 21*st*, 1735.

[222] Richard Douglass and John Richards *vs.* John Winthrop, Esq^r^, in a petition continued from October last, &c.: The petitioners being called, John Richards appeared, and shewed to this Court that the said Douglass, the other petitioner, was dead, whereupon the petitionee, by his attorney, pleaded that the petition ought to abate: to which plea the said Richards replied, that the petitioners were joynt in the petition, and the whole relief prayed for survived to him, and that he ought to be heard thereon; and this Assembly are of the opinion that the whole relief prayed for goeth not to the survivor, and that the executors or administrators of the deceas'd petitioner may be admitted upon their motion to pursue the petition with the said Richards: whereupon William Douglass, executor of the last will and testament of the said Richard Douglass, appeared, and moved to pursue the petition with the said Richards; and the parties being heard: The question was put, whether the pleas offered in bar of the said petition are sufficient, and resolved by this Assembly in the affirmative.

This Assembly grants to his Honour the Governour the sum of three hundred pounds, to be paid in bills of publick credit out of the treasury, for his salary the current year, to be drawn out the one half now, and the remainder in October next.

Granted to his Honour the Deputy Governour the sum of one hundred and fifty pounds, to be paid in bills of publick credit out of the Colony treasury, for his salary the current year, to be drawn out the one half now, and the remainder in October next.

Granted to the printer, Mr. Green, the sum of twenty-five pounds for his half years salary, to be paid out of the Colony treasury.

Upon the motion of Nathaniel Stanly, Esq^r^, and Capt. John Marsh, the committee appointed to exchange the bills of the late New London Society, &c., for a recompence for their care and pains in said affair: Granted unto the said Nathaniel Stanly and John Marsh the sum of twenty pounds out of the publick treasury, for their service aforesaid.

Samuel Rice, of Ashford in the county of Windham, laying before this Assembly a deed, signed, sealed and delivered to him, by Philip Eastman, of Ashford, and Edward Walker, late of Ashford, deceas'd, dated December 29th, *anno Dom.* 1731, being a deed of sale of ninety acres of land lying in said Ashford to him, the said Samuel Rice; and thereupon informed

this Assembly that the said Edward Walker, within a few days after his signing, sealing and delivering said deed, departed this life, before he had any opportunity to acknowledge the same before any assistant or justice of the peace; and hereupon the said Samuel Rice petitioned to this Assembly that the said deed may be declared and made to be firm and valid, notwithstanding the said deed was not by said Walker acknowledged to be his deed before authority. Philip Eastman came before this Assembly and declared that within a few days after the said Edward Walker had signed the said deed he dyed, and at the time of signing said deed there was not any authority present to take the acknowledgment there- [223] of; || and Isaac Kendal and Normand Morison made solemn oath before this Assembly that they saw the said Edward Walker sign, seal and deliver the said deed, and that they subscribed their names thereto as witnesses: Whereupon it is now declared and enacted by this Assembly, that the said instrument shall be good, firm and valid in the law, and the same is hereby declared good, firm and valid in the law, to all intents and purposes whatsoever, as if the same had been acknowledged by the said Walker.

Whereas the business of this Assembly has drawn out their present sessions to such a length that all the members thereof cannot, without great inconvenience, stay to hear the records of the acts of this Assembly read off and compleated: This Assembly do order and appoint Roger Wolcott, Nathaniel Stanly, Ozias Pitkin, William Pitkin, Esq^{rs}, Capt. John Marsh, Mr. Joseph Pitkin, Col. David Goodrich, Capt. John Chester, Mr. Henry Wolcott and Capt. Henry Allyn, a committee, in the name and behalf of this Assembly, to attend his Honour the Governour, to hear the records of the acts of this Assembly read off, and to see them perfected and then signed by the Secretary as compleat.

The several Acts, Grants and Orders of this Assembly, as they stand entered in the pages of this book next preceding, were read in the presence of the committee abovenamed, and by them ordered to be signed by the Secretary as perfect and compleat.

GEORGE WYLLYS, Secret^{ry}.

APPENDIX.

ORDER OF THE KING IN COUNCIL, UPON THE APPEAL OF JOHN WINTHROP AGAINST THOMAS LECHMERE, ANNULLING THE LAW OF CONNECTICUT ENTITLED "AN ACT FOR THE SETTLEMENT OF INTESTATE ESTATES."

[Miscellaneous, I. doc. 165.]

AT THE COURT AT ST. JAMES'S, THE 15TH DAY OF FEBRUARY, 1727.

[L. S.] *Present:*

The King's Most Excell^t Majesty.

Lord President,	Earl of Scarborough,
Lord Privy Seale,	Earl of Loudoun,
Lord Steward,	Earl of Uxbridge,
Lord Chamberlain,	Earl of Sussex,
Duke of Ancaster,	Visco^t Cobham,
Duke of Newcastle,	Visco^t Torrington,
Earl of Lincoln,	Lord Berkeley of Stratton,
Earl of Westmoreland,	Lieut. General Wills,
Earl of Berkeley,	Sr. Robert Sutton.

Upon reading this day at the Board a Report from the Rt. Hon^ble the Lords of the Committee for hearing Appeals from the Plantations, dated the 20th day of December last, in the words following, viz^t:

In obedience to an Order in Council of the 13th of May last referring to this committee the humble petition and appeal of John Winthrop, of New London in his Majesty's Colony of Connecticut, Esq., only son and heir at law of Major General Wait Winthrop, of Boston in New England, Esq., his late father, deceased, (to which appeal the petitioner was admitted by his late Majesty's Order in Council of the 28th of March last,) their Lordships this day took the said petition into consideration; which said petition sets forth (amongst other

things,) the charter of incorporation granted to the said Province by King Charles the second, on the 13 of April, in the 14th year of his reign, by which the lands of the said Colony are held of the Crown, as of the manor of East Greenwich in Kent, in free and common soccage, and the laws which they are empowered to make are to be wholesome and reasonable, and not contrary to the law of England; and that the petitioner was possessed of and entituled to a very considerable real estate in the said Province. as heir at law to his said father Wait Winthrop, and his uncle the Honourable Fitz John Winthrop, both deceased: That his said father Waite Winthrop dyed intestate, leaving issue only the petitioner and one daughter, Anne, who was preferred in marriage in her father's life time to Thomas Lechmere, of Boston aforesaid, merchant; and that on his said father's death he became intituled to all his real estate whereof he dyed seized in fee, as his heir at law; and that on the 21 of February, 171$\frac{7}{8}$, at the court of probates held for the county of New London in Connecticut, letters of administration were granted to the petitioner of the goods, chattels, rights and credits of his said father, and he entered into bond to the judge of the said court of probates in 3000*l.* penalty, with condition for his making a true inventory of all and singular the goods, chattels and credits of the said deceas'd, and exhibit the same into the registry of the said court of probates, and truly to administer the same according to law. But the petitioner having paid and advanced more to and for and on account of the said Thomas Lechmere than the said Ann his wife's share of the said intestate's personal estate come to the petitioner's hands amounted to, and the said Thomas and Ann Lechmere having possessed most part of the said Waite Winthrop's personal estate, and not having required the petitioner to exhibit any inventory or account of his administration, and the petitioner having discharged all his said father's debts, save only one bond for 300*l.* on which he duly discharged all interest, and would have paid off the principal but the obligee declined accepting the same, the petitioner did not, for these reasons, think it necessary to exhibit any inventory or account of his said administration. But, in order to ruin and oppress the petitioner, six years after the said letters of administration so granted to the petitioner, (viz.) in July, 1724, the said Thomas Lechmere applied to the court of probates, insisting he was, in right of his wife, entituled to a proportion of the said Wait Winthrop's real estate, but that he was kept thereout by the petitioner's not having inventoried and administred the same, and caused the petitioner to be summoned by the court of probates, to shew cause why he neglected to inventory the intestate's estate and finish his administration according to his bond; upon which the petitioner exhibited an inventory of the said intestate's personal estate in the said court of probates, and the petitioner at the foot thereof insisted, administrators had nothing to do with lands, they belonging to the heir at law, and that he was in possession thereof as his right of inheritance according to the law of England, and therefore he was not obliged to exhibit any account of the real estate, that not being cognizable by a court of probates, and which inventory the petitioner prayed might be accepted and re-

corded: but the court declared they were satisfyed the same was not a true and perfect inventory of all the said intestate's estate within that county, and that the petitioner's objections were against law, and decreed that the said inventory should not be admitted, and refused to accept it as such an inventory of the intestate's estate as ought to be exhibited; and the said Thomas Lechmere in the same July put the petitioner's said administration bond in suit against him, and at the same time, in his own name and the name of Abel Wally, brought another action against the petitioner, as they had been sureties for him in an administration bond for his duly administring the intestate's estate, in the county of Suffolk in the Massachusetts Bay, alledging such administration bond had been sued and recovered from them, on account of the petitioner's not having exhibited an inventory or brought in his administration accounts; and the said Thomas Lechmere also, at the same time, brought four several writs of partition in his own name and in the name of his wife Ann, stiling her only daughter and coheir of the said Wait Winthrop, to recover from the petitioner one third of the real estate in the said writs mentioned, insisting the said Ann was coheir thereto with the petitioner, and as such, by the law of the Province, she was entituled to one third of the said real estate; and that on full and fair hearings, the final judgments in all the said six actions were given for the petitioner.

That it thus appearing the petitioner's inheritance could not be split and tore to pieces by the common ordinary means of justice, as the law was then understood, some more irresistable way was to be found out to oppress the petitioner; and for that purpose, the said Thomas Lechmere preferred a petition to the General Assembly, in 1725, in the name of himself and his wife, setting forth the said several judgments given against him, and that they were never likely to recover of the petitioner one third of the said real estate, tho' the same descended, as they alledged, to the said Ann and the petitioner as coheirs of their father, without the aid and relief of that Assembly, and that, either by reason of the insufficiency of the diction of the law of the Colony already made, or by the court's sense or exposition thereof; for they had no remedy by the common law, as appeared by the said judgments against them, nor could have any remedy by the court of probates, for that the petitioner refused to inventory the real estates; and, as the law of the Colony had given them a right to one third of the premises, it was not consistent with the honour of the Colony but that the government would afford some indisputable method for their better obtaining their said right; and to that end they prayed the Assembly to set aside the said judgments and to grant a new tryal, wherein they might, notwithstanding the exposition of the superiour court upon the law, well support their said actions of partition: which petition, tho' of so very extraordinary nature, the Assembly received and ordered the petitioner to attend to answer the same. That the petitioner put in his answer, insisting there was nothing contained in the said petition that called for the interposition of the Assembly, or in which they ought or could give any relief: notwithstanding which, and without any hearing, the Assembly resolved that relief might and

ought to be had in the probates in such like cases by a new grant of administration, exhibiting an inventory of the whole estate, and a distribution made according to the rules of law upon the whole; and at the same time, tho' they came to this resolve, they dismissed the said Lechmere's petition.

That the petitioner, by this very extraordinary resolve finding the danger he was in, again exhibited to the court of probates a full and true inventory of his father's personal estate come to his hands, valued and appraised, and again insisted in writing at the foot thereof, that administrators had nothing to do with lands, they belonging to him as heir at law and as his right of inheritance according to the law of England, and that no real estate ought by law to be exhibited not cognizable by a court of probates; and the petitioner moved the court to have the same accepted as a full inventory of all the intestate's estate within that Colony proper for a court of probates by law to demand, and offered his oath that it was the whole personal estate of the deceased: But the court insisting on the petitioner's taking an oath, that it was an inventory of the whole of the intestate's real as well as personal estate, which the petitioner refused to comply with, insisting he ought not to inventory any real estate: Whereupon the said court, by their sentence of the 29th of June, 1725, rejected the said inventory and refused to accept the same; from which sentence of denyal the petitioner appealed to the superior court. That after the said appeal, and before it came on to be determined, the said Lechmere commenced a suit in the court of probates to have administration granted to him of the said intestate's estate; and the petitioner being summoned to shew cause, why administration should not be granted to the said Lechmere, for cause insisted on his said appeal being depending, and which cause the said court allowed. From which allowance the said Lechmere also appealed to the said superior court.

That on the 28th Sept., 1725, the superior court, on hearing the petitioner's appeal, declared that they were of opinion that real as well as personal estates were ordered to be inventoried by the law of that Colony, and that all courts of probates ought to be guided in their administrations thereby, notwithstanding the laws of England do not ordain that real estates should be inventoried; and thereupon ordered that the petitioner should not be admitted to evidence to the said inventory by any other oath than that which was agreeable to the laws of the Province; and affirmed the judgment of the court of probates, and condemned the petitioner in costs; from which judgment the petitioner prayed, and was allowed, a review to the next superior court. And the said Lechmere's appeal coming on at the same time, the court also in that suit affirmed the judgment of the court of probates; from which sentence the said Lechmere prayed, and was allowed, a review likewise.

That, on hearing the petitioner's said appeal on the review, on the 22d of March, 172$\frac{5}{6}$, the court affirmed their said former judgment and condemned the petitioner in costs; and on the said Lechmere's review, which came on at the same time, the said superior court, forasmuch as the petitioner's said appeal was then determined, adjudged

that the said letters of administration formerly granted the petitioner should be vacated, and the same was thereby vacated, and that the said Thomas Lechmere and Ann his wife should have administration on the deceased's estate; and the said superior court thereby granted power of administration to the said Thomas and Ann Lechmere on the said intestate's estate, and condemned the petitioner in costs; from both which judgments of the superior court the petitioner prayed, but was in a very extraordinary manner denyed, an appeal to his late Majesty in Council: but which appeal he was admitted to, upon his petition to his late Majesty.

That the petitioner, finding his inheritance in this imminent danger of being torn in pieces, all application for relief to his Majesty being denyed him: to prevent, if possible, any thing being done in the premises till he could lay his case before his Majesty, entered and filed his protest, as heir at law to his father, against granting letters of administration to his father's estate to any other person whatever, the court having before lodged that power with the petitioner, and also against any division of any real estate pretended to belong to the petitioner's father, all such real estate being the petitioner's undoubted right of inheritance, who was seized and possessed of the same according to the laws of England, and which he was entituled to under the charter of the said Province, and, therefore, the petitioner protested against any proceedings of the said court contrary to the law of England: Notwithstanding which, the judges of the said superior court, the same 22d of March, granted letters of administration to the said intestate's estate to the said Thomas Lechmere and Ann his wife, and took the usual administration bond from the said Thomas Lechmere and his sureties, which letters of administration and bond extend only to the goods, chattels, rights and credits of the deceased, which the petitioner had before duly administred.

That the said Thomas Lechmere under colour hereof, inventoried and appraised all the petitioner's real estate, and exhibited an inventory thereof before a special superior county court held for that purpose on the 29th of April, 1726, which the said court, notwithstanding the said Lechmere, either by his letters of administration or his administration bond, had nothing to do with real estates, took upon them, contrary to law, to sit specially and receive the said inventory, and by their acts of that date approved the same, and ordered it to be received; and the said Lechmere also then exhibited to the court an account of 38*l.* 7*s.* 4*d.* for charges and time spent in the administration, and of a debt due to Robert Lattimore for 318*l.* silver money, which was the bond the petitioner had offered to discharge as aforesaid, and for which he had duly paid interest; which account the said court also allowed and ordered to be kept on fyle; and the 12th of May, 1726, the said Lechmere (being conscious he had no power over any real estate by virtue of the administration) petitioned the Assembly, setting forth that no personal estate of the intestate had come to his hands, the estate come to his hands being all real, and finding there was due from the said estate 356*l.* 7*s.* 4*d.*, being the two sums in his above account mentioned, and no moveables to pay the same, he

prayed the Assembly to enable him to pay the said debts by ordering him to sell and dispose of so much of the said lands, thereby to defray the said debts with other necessary charges.

That the petitioner being informed of this application, that the Assembly might do nothing herein without the fullest notice possible, the petitioner presented a memorial to the Governor and Company, agreeing in substance with the above recited protest, and declaring that he, being aggrieved with the aforementioned proceedings, should lay the whole by appeal before his Majesty: But which remonstrance of the petitioner's the Assembly the same day dismissed, and immediately afterward, on the said Lechmere's petition, granted him a power to sell the said lands, and ordered that a bill should be brought in for that end in form; whereupon the petitioner entered and fyled his protest with the said Governor and Company, to the effect with that before mentioned, and further protesting against their proceeding to grant power to any pretended administrator to sell any part of the petitioner's real estate under colour of debts due from the said deceased, as they would answer the same before his Majesty in Council; which protest, the Assembly declared, had in it a shew of contempt to the Governor and Assembly and the authority there established, and, therefore, on the 25th of the same May, they ordered the sheriff to bring the petitioner to the bar of the said Assembly, to answer for the contempt manifested in the said protest, and immediately afterwards passed an act empowering the said Thomas Lechmere to sell so much of the said lands as might be sufficient to discharge the said debts and the necessary costs, the said Lechmere taking the advice of the superior court in such sale, and enacting such deed or deeds of sale to be good.

That the petitioner humbly lays the whole of these proceedings before his Majesty, by which the many extraordinary and unjustifiable steps may appear that have been taken against him, in order to disinherit him of his inheritance, and to set up his sister as coheir with him, and to make a division of his real estate between him and his sister, contrary to the common law of England and the royal charter of the said Province; and, in consideration thereof, and of the many hardships of the petitioner's case, the petitioner humbly prays his Majesty to reverse the said two sentences of the superior court of the 22d of March, 172$\frac{8}{9}$, with costs and damages to the petitioner, and to order the said administration, so illegally and irregularly granted to the said Thomas and Ann Lechmere, to be called in; and also to set aside and discharge all subsequent proceedings grounded thereon; and that his Majesty would repeal the said act passed by the Assembly empowering the said Thomas Lechmere to sell and dispose of the petitioner's said real estate; and that his Majesty would be pleased to grant him all such further and other relief as the circumstance and nature of his case should require.

Their Lordships having heard all parties concerned, by their counsel learned in the law, on the said petition and appeal, and there being laid before their lordships an act passed by the Governor and Company of that Colony, entituled An Act for the Settlement of Intestate

Estates, by which act (amongst other things) administrators of persons dying intestate are directed to inventory all the estate, whatsoever, of the persons so deceased, as well moveable as not moveable, and to deliver the same upon oath to the court of probates; and by the said act (debts, funerals and just expences of all sorts, and the dower of the wife (if any,) being first allowed) the said court of probates is empowered to distribute all the remaining estate of any such intestate, as well real as personal, by equal portions, to and amongst the children and such as legally represent them, except the eldest son who is to have two shares or a double portion of the whole; the division of the estate to be made by three sufficient freeholders, on oath, or any two of them, to be appointed by the court of probates. Their Lordships, upon due consideration of the whole matter, do agree humbly to report as their opinion to your Majesty, that the said act for the settlement of intestate estates should be declared null and void, being contrary to the laws of England, in regard it makes lands of inheritance distributable as personal estates, and is not warranted by the charter of that Colony; and that the said three sentences of the 29th of June, 1725, of the 28th of September, 1725, and of the 22d day of March, 172$\frac{5}{6}$, rejecting the inventory of the said intestate's estates exhibited by the petitioner, and refusing to accept the same, because it did not contain the real as well as personal estate of the said intestate, and declaring real as well as personal estates ought to be inventoried, may be all reversed and set aside; and that the petitioner be admitted to exhibit an inventory of the personal estate only of the said intestate; and that the court of probates be directed not to reject such inventory, only, because it does not contain the real estate of the said intestate; and that the said sentence of the 22d March, 172$\frac{5}{6}$, vacating the said letters of administration granted to the petitioner, and granting administration to the said Thomas and Ann Lechmere, should be also reversed and set aside; and that the said letters of administration, so granted to the said Thomas Lechmere and Ann his wife, should be called in and vacated; and that the said inventory of the said real estate, exhibited by the said Thomas Lechmere and Ann his wife, should be vacated; and that the order of the 29th of April, 1726, approving of the said inventory and ordering the same to be recorded, should be discharged and set aside; and that the original letters of administration granted to the petitioner should be established and ordered to stand; and that all such costs as the petitioner hath paid unto the said Thomas Lechmere, by direction of the said sentence, may be forthwith repaid him by the said Thomas Lechmere; and that the suit brought by the said Lechmere and his wife, on which the said sentence was made, may be dismissed; and that all acts and proceedings done and had under the said sentences, or any of them, or by virtue or pretence thereof, may be discharged and declared null and void; and also that the said act of Assembly, passed in May, 1726, empowering the said Lechmere to sell the said lands, should be declared null and void. And it appearing to their lordships that the said superior court, by an order bearing date the 27th of September, 1726, and

made pursuant to the said act of Assembly, allowed the said Thomas Lechmere to sell of the said real estate to the value of ninety pounds current money there, for his charges, and three hundred and eighteen pounds silver money, to answer the said bond debt due from the intestate, their lordships are of opinion that the said order of the superior court should be declared null and void; and also that the petitioner should be immediately restored and put into the full and quiet possession of all such parts of the said real estate as may have been taken from him, under pretence of, or by virtue or colour of the said sentences, orders, acts and proceedings, or any of them; and that the said Thomas Lechmere do account for and pay to the said petitioner the rents and profits thereof received by him or any one under him, for and during the time of such his unjust detention thereof.

His Majesty, taking the same into his royal consideration, is pleased, with the advice of his Privy Council, to approve of the said report, and confirm the same in every particular part thereof; and pursuant thereunto, to declare, that the aforementioned act, entituled An Act for the settlement of intestate estates, is Null and Void; and the same is hereby accordingly declared to be null and void, and of no force or effect whatever. And his Majesty is hereby further pleased to order, that all the aforementioned sentences of the 29th June, 1725, of the 28th of Sept^{r}, 1725, and of the 22d March, 172$\frac{5}{6}$, and every of them, be and they are hereby reversed and set aside; and that the petitioner, John Winthrop, be, and he is hereby, admitted to exhibit an inventory of the personal estate only of the said intestate, and that the court of probates do not presume to reject such inventory because it does not contain the real estate of the said intestate. And his Majesty doth hereby further order, that the aforementioned sentence of the 22d of March, 172$\frac{5}{6}$, vacating the said letters of administration granted to the petitioner, and granting administration to the said Thomas and Ann Lechmere, be also reversed and set aside; and that the said letters of administration, so granted to Thomas Lechmere and Anne his wife, be called in and vacated; and that the said inventory of the said real estate, exhibited by the said Thomas Lechmere and Ann his wife, be vacated; and that the said order of the 29th of April, 1726, approving of the said inventory and ordering the same to be recorded, be discharged and set aside; and that the original letters of administration granted to the petitioner be, and they are hereby, established and ordered to stand; and that all such costs as the petitioner hath paid unto the said Thomas Lechmere by directions of the said sentences, all, every, or any of them, be forthwith repaid to him by the said Thomas Lechmere; and that the suit brought by the said Thomas Lechmere and Anne his wife, on which the said sentences were made,

be and they are hereby dismissed; and that all acts and proceedings done and had under the said sentences, all, every, or any of them, or by virtue or pretence thereof, be and they are hereby discharged and set aside, and declared null and void. And his Majesty is further pleased to declare, that the aforementioned act of Assembly, passed in May, 1726, empowering the said Thomas Lechmere to sell the said lands, is null and void; and also that the said order made by the said superior court, bearing date the 27th of Septr, 1726, pursuant to the said act of Assembly, allowing the said Lechmere to sell of the said real estate to the value of ninety pounds current money there for his charges, and three hundred and eighteen pounds silver money, is likewise null and void; and the said act of Assembly and order of the said superior court are accordingly hereby declared null and void, and of no force or effect whatever.

And his Majesty doth hereby likewise further order, that the petitioner be immediately restored and put into the full, peaceable and quiet possession of all such parts of the said real estate as may have been taken from him, under pretence of, or by virtue or colour of the said sentence, orders, acts and proceedings, or any of them; and that the said Thomas Lechmere do account for and pay to the said petitioner the rents and profits thereof, and of every part thereof, received by him or any one under him, for and during the time of such his unjust detention thereof.

And the Governour and Company of his Majesty's Colony of Connecticut for the time being, and all other officers and persons whatsoever, whom it may concern, are to take notice of his Majesty's royal pleasure hereby signified, and yield due obedience to every particular part thereof, as they will answer the contrary at their peril.

[Edward Southwell.]

Note.—Since the foregoing sheets were printed, I have received, from the Privy Council Office in London, copies of the several orders in the case of Clark *vs.* Tousey. The date, 1742, given in the note at the foot of page 192, is too early. The final decree, dismissing Clark's appeal, was rendered on the eighteenth day of July, 1745.

Queries Relating to the Colony of Connecticut, from the Board of Trade and Plantations, with the answers thereto, 1729–1730.

[The original queries are not now found in our archives; they are recorded, with the answers, in the volume lettered *Colonial Records, New England*, 1664–1702.

On the 16th of May, 1730, the Upper House appointed Jonathan Law, James Wadsworth, and the Lower House, John Curtiss, Samuel Hill, and Thomas Fitch, a committee to consider the letters of queries, and to draw up answers, &c. The draught of the answers with the letter accompanying them, in the hand-writing of Governor Talcott, is in *Foreign Correspondence*, I. 145, 146.

The letter of Mr. Popple, acknowledging the receipt of the answers, is from the original among the papers of the Connecticut Historical Society.]

Gentlemen: My Lords Commissioners for Trade and Plantations command me to send you the enclosed Queries relating to the Colony of Connecticut, and to desire your particular answers thereto as soon as may be. I am,

Alured Popple.

[1] What is the situation of the Colony under your government, the nature of the country, soil and climate, the latitudes and longitudes of the most considerable places in it; have those latitudes and longitudes been settled by good observation, or only by common computations, and from whence are the longitudes computed.

[2] What are the reputed boundaries, and are any parts thereof disputed; what parts, and by whom.

[3] What is the constitution of the government.

[4] What is the trade of the Colony, the number of shipping, their tonnage, and the number of sea-faring men, with the respective increase or diminution within ten years past.

[5] What quantities and sorts of British manufactures do the inhabitants annually take from hence.

[6] What trade has the Colony under your government with any foreign plantations, or any part of Europe besides Great Britain; how is that trade carried on; what commodities do the people under your government send to or receive from foreign plantations.

[7] What methods are there used to prevent illegal trade, and are the same effectual.

[8] What is the natural produce of the country, staple commodities and manufactures, and what value thereof in sterling money may you annually export.

[9] What mines are there.

[10] What is the number of inhabitants, whites and blacks. Are the inhabitants increased or decreased within the last ten years, how much, and for what reasons.

[11] What is the number of the militia.

[12] What forts and places of defence are there within your government, and in what condition.

[13] What number of Indians have you, and how are they inclined.

[14] What is the strength of the neighbouring Indians.

[15] What is the strength of the neighbouring Europeans, French or Spaniards.

[16] What effect have the French or Spanish settlements on the continent of America upon his Majesty's plantations, especially on your Colony.

[17] What is the revenue arising within your government, and how is it appropriated.

What are the ordinary and extraordinary expences of your government.

[18] What are the establishments, civil and military, within your government, and by what authority do the officers hold their places.

It is desired that an annual return may be made to these queries, that the board may from time to time be apprised of any alterations that may happen in the circumstances of your government.

Letter from Governor Talcott to the Board of Trade.

Right Hona'ble: I received your Lordships' Queries to this Colony, and laid them before the General Assembly at their sessions in May last. They immediately appointed a committee to assist me in the affair, that so our answers to them might be with the greater certainty. By their indeavours and assistance, I am inabled to give your Lordships the answers herewith enclosed, which, I hope, will be to your satisfaction; and it is a pleasure to me to assure your Lordships, that with greatest cheerfulness our Assembly are ready to inform you in these and in every other thing that you may judge for his Majesty's interest. I am, with greatest regards and sincere respects,

Your Lordships' most obedient and very humble servant,

Hartford, Sept. 9th, 1730. J. Talcott.

To the Right Hon'ble Lords of Trade, &c.

Answers to the Queries.

May it please your Lordships: We have received your Queries to this his Majesty's Colony of Connecticut, and in answer thereunto, we inform your Lordships as followeth:

[1] The Colony of Connecticut is situate upon three principal rivers, Connecticut River, Stratford, and Quinibauge Rivers, and on the sound southward, towards Long Island. In some places our lands are interval or meadow upon the rivers, and by the sound the soil is fruitful, but the far greater part of the land in the Colony is mountain-

ous, rocky and more barren. The climate is very cold in the winter and very hot in the summer, the weather often and suddenly changing. The Colony lyeth between 41 and 42 degrees of north latitude, and in longitude about 70 degrees west from London. The latitude has been found by repeated and careful observations.

2. The reputed and known boundaries are: the Massachusetts on the north, Rhode Island Colony on the east, Long Island Sound on the south, and New York Province on the west. No points thereof are disputed, but all settled and ascertained, excepting some part of the dividing line betwixt this Colony and New York, *which they unjustly refuse to finish with us, notwithstanding firm and clear agreements by commissioners, under hand and seal, have been made, since they obtained the confirmation of their ex parte act, by the late King George in Council, in case of our non-agreement.**

3. As to the constitution of the government: The legislature is by our royal charter, granted by King Charles the second of blessed memory, lodged in the General Court, consisting of a Governour, or in his absence a Deputy Governour, twelve Assistants, and one or two Deputies from every town. The Governour, Deputy Governour and Assistants are annually chosen by the major part of the freemen of the Colony, and the deputies by the freemen in each town. Which Court or Assembly are divided into two houses, the Upper House, consisting of the Governour, or in his absence the Deputy Governour, and six Assistants at least; and the Lower House, of the Deputies. Without the consent of the major part of each house no act is past; who make laws, institute judicatories, appoint judges and necessary officers and cause them to be sworn, grant lands, make orders and institutions, as the necessity of the government requires. Which Assembly meet twice in the year, and in the vacancies the Governour and Assistants manage the contingent affairs.

4. The trade of the Colony is but small. Horses and lumber are exported from hence to the West Indies, for which we receive in exchange, sugar, salt, molasses and rum. What provisions we can spare, and some small quantity of tar and turpentine, are sent to Boston and New York, and Rhode Island, for which we receive European goods. The number of our shipping and their tonnage is as followeth:

Hartford, David Williamson, master,	Sloop Mary,	60 Tons.
Greenwich,	Sloop Sarah and Abigail, Henry Jones,	30
Guilford,	Sloop Mary,	12
New London,	A briganteen, London,	60
Norwich,	Sloop Olive Branch,	25
Milford,	Sloop Tryal,	40
New Haven,	Schooner Elizabeth and Mary,	50
Seabrook,	Sloop Lucy,	35
Killingsworth,	Sloop Success,	10
Norwich,	Sloop Mary,	20
Hartford,	Sloop Rebeckah,	40
New Haven,	Sloop Humbard,	20
Norwich,	do. Martha and Elizabeth,	40
Haddam,	do. Ranger,	30
New London,	A briganteen, Dolphin,	80
Guilford,	Sloop Tryal,	20
Midletown,	Sloop Lark,	45

* The words in italics are struck out in the original draught.

Norwich,	Sloop Success,	40 Tons.
Hartford,	do. Hampshire,	18
New London,	do. Lydia and Mary,	25
Branford,	do. Dolphin,	33
New Haven,	do. Mercy and Mary,	30
Hartford,	do. Tryal,	35
New Haven,	Schooner Tryal,	30
Milford,	Sloop Swallow,	30
Norwalk,	Sloop Tryal,	25
Guilford	do. Swan,	25
Middletown,	Briganteen Alten,	60
Guilford,	Sloop Rubie,	30
Killingsworth,	do. Tryal,	20
New Haven,	do. Tryal,	35
Weathersfield,	do. Thankful and Ann,	18
Greenwich,	do. Elizabeth,	30
Stratford,	do. Endeavour,	30
Fairfield,	do.	20
New London,	do. Dolphin,	15
Stratford,	do. Endeavour,	30
New London,	do. Michael,	12
Lyme,	do. Three Brothers,	30
Stratford,	do. Dolphin,	12
Seabrook,	do. North,	25
do.	do. Joseph and Mary,	30

Forty-two sail of vessels, which stand in the same order as they do in the Collector's register book; *yet I am ready to conclude many of them are registered less than their measure.** More, two sloops lately built in Hartford, one 30 tuns; one just now loading for Bristol, to be sold with her cargo at Bristol in old England, 90.—per the register book with his Majesty's collector in this Colony.

Our seafaring men are only what is necessary to manage the shipping aforesaid. There hath been no sensible addition or diminution for ten years last past, only that we have built considerable more in the ten years last past than heretofore, tho' most of said shipping so lately built have been sold at the Province of Boston, West Indies, and to his Majesty's subjects of Great Britain, Bristol, &c.

5. Our inhabitants take (annually) all sorts of woolen cloath, silks, glass, nails, scythes, pewter, brass, and fire-arms, of the British manufacture, but we can't ascertain your Lordships the quantity.

6. The trade which the Colony hath with any foreign plantations is only as before mentioned, and with no parts of Europe excepting only a few voyages to Ireland with timber; and some few, one or two, that have of late built here made their voyage to Bristol, there sold ship and cargo and brought their returns hither.

7. The methods used to prevent illegal trade are the measures taken by the collector placed at New London and his deputy at Fairfield, where are also naval officers under the strictest regulations, which do at present prove effectual: but there being many other convenient harbours along the sound, many of which were allowed to be free ports, would render it difficult, had we any considerable trade, and now is a great hardship and an obstruction to the little trade that we have, all being obliged to put in at New London to enter and clear, whereby some winds and much time is lost.

8. The produce of the country is timber, boards, all sorts of English grain, Indian corn, hemp and flax, sheep, cattle, swine, horse-kind

* These words are crossed out from the original draught.

and goats, and tobacco. Our manufactures are inconsiderable, our people being generally imployed in tilling the earth; some few are imployed in tanning and shoe-making and other handicrafts, others in building, joyner-work, taylors, smiths, without which we could not subsist.

9. There are some copper mines found amongst us, which have not yet been very profitable to the undertakers. Iron oar hath been found in sundry places, and improved to good advantage.

10. The number of our inhabitants, of both sexes and all ages, are computed to be 38,000, and about 700 Indian and negro slaves. The inhabitants are much increased within this ten years last past. The reasons are: 1st, The country is new and large. 2ly. The intestate estates are, or have been, divided amongst all the children, which incourages them while in their father's family to joyn their united strength to clear and subdue the earth, and thereby make room for their own settlement when they come of age. But the consummate and principal reason is, the blessing of the Almighty on the fruit of our bodies and the fruit of our lands.

11. The number of the militia, according to lists or muster rolls of the trainbands, which consist of all from sixteen to fifty-five years of age, is 8,500.

12. In time of war we have always had sundry forts on our frontiers, to cover us from the insults of the French and Indians, which yet have never been of any great service to us; the enemy coming in small parties surprize our people suddenly, and then flee into the adjacent woods. We have had a fort at New London long since, and several pieces of cannon, but are now building a new fort where are already mounted four cannon to secure that port, and in a short time intend divers more shall be there mounted.

13. The number of Indians amongst us are about 1600, of both sexes and all ages. They are inclined to hunting, idleness and excessive drinking. Some of their youth are now in a school at Mohegan, set up and maintained by the English for that purpose, and they give good evidence of their docibility.

14. The Five Nations (of Indians,) as they are called, live about 250 miles westward from us. The French Indians that live at Canada, and the eastern Indians, which live about 250 miles to the northeast of us, are our only neighbouring Indians, and their strength is unknown to us.

15. The Spaniards have not settled in North America to the eastward of Cape Florida, as we know of, which is very distant from us. The French at Canada are about 400 miles north of us, and of considerable strength.

16. The Spaniards in South America have of late years taken some vessels from this, and sundry from the neighbouring governments. The French at Canada have been very troublesome to this and the neighbouring governments, always incensing the Indians against the English, supplying them with arms and ammunition, and joyning with them in making inroads in time of war. They are of considerable strength, and since they are settled on the River Saint

Lawrence, and on the Masisipi, to the mouth of it, boast that in time they will drive us all into the sea.

17. The annual revenues arising on rates and duties is about £4000 in our paper currency, of which about £1000 is yearly laid out in maintaining free schools for the education of our children; the remainder is for the support of his Majesty's government here, and to sink a heavy debt we contracted in the war and our expedition against Canada and Annapolis in the reign of Queen Anne.

18. Our civil establishments are: 1st. A superiour court, consisting of one chief judge and four assistant judges. This court sits twice in the year in each county, tries all high crimes and misdemeanours, and civil actions that come to them by appeals from the inferiour courts. 2ly. An inferiour court in each county, consisting of one chief judge and three or more justices of the quorum. These courts have their quarter-sessions for the tryal of delinquents and civil actions. 3ly. In most of our towns is one or more justices of the peace, for the conservation of the peace and tryal of small causes.

19. The militia is divided into five regiments, as many as there are counties, over which the chief officer is, at present, a major; to each of which regiments belongs a troop. The superiour officers are appointed by the General Court. The captains, lieutenants and ensigns, are chosen by the souldiers, approved by the General Court, and all commissionated by the Governour in the name of our lord the King.

To the Right Honourable the Lords Commissioners for Trade and Plantations.

Signed per order of his Honour the Governour and the Assembly,

HEZ. WYLLYS, Secretary.

ACKNOWLEDGMENT OF THE RECEIPT OF THE ANSWERS.

Whitehall, May 31st, 1731.

Sir: My Lords Commissioners for Trade and Plantations, having read your letter of the 9th of September, 1730, with your Answers to the several Queries I sent you by their Lordships' order the 9th day of December, 1729, command me to acknowledge the receipt thereof, and to desire that you will constantly transmit to their Lordships authentick copies of the Laws passed in your Assembly, and also accounts of all the publick transactions in your government for the future.

I am sir,

Your most humble servant,

ALURED POPPLE.

Gov'r. of Connecticut.

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